Department Of Law

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• By the Students • Of the Students • For the Students

1ST SEMESTER POLITICAL SCIENCE

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TABLE OF CONTENTS

TITLE **PAGE NO.**

1. About the academic committee……...2
2. Objectives of the committee……..…..3
3. Acknowledgement…….....….4
4. Disclaimer ……....5
5. The Discipline of Political Science…….....6
6. Approaches to the study of political science…..……..11
7. State……..……..20
8. Origin ……27
9. Sovereignty……..……48
10. Liberty and equality…….……55
11. Rights…….……..70

About the Committee

The Academic Committee of the Department of Law at the University of Calcutta is a newly formed body established in the month of September, 2024, comprising dedicated students from all 5 years of the BA LLB program. This diverse committee is designed to foster a collaborative academic environment, drawing on the unique perspectives and experiences of its members to enhance the educational journey of the students.

With a total of 12 members, including two Joint Secretaries, the committee operates under the auspices of the Student Unit (TMCP) of Department of Law, University of Calcutta. Its primary mission is to develop comprehensive study materials and notes that cater to the specific needs of law students, ensuring they have access to essential resources for their academic success.

In addition to creating study materials, the committee is committed to provide valuable support through organized online doubt-clearing sessions and compiling lists of important exam questions. By engaging students from various academic years, the committee aims to create a vibrant community that encourages knowledge sharing and academic excellence across all levels of the BA LLB program. Through these initiatives, we aspire to empower students and enhance their understanding of legal concepts, preparing them for both examinations and future careers in law.

Objectives Of the Committee

The Academic Committee of the Department of Law at the University of Calcutta is dedicated to enriching the academic experience of BA LLB students through several key initiatives. A primary focus is developing comprehensive study materials, including high-quality, well-researched notes covering essential topics in the BA LLB curriculum. This ensures students have valuable resources to support effective learning and exam preparation.

To aid examination success, the committee curates and distributes a list of important questions and topics, helping students focus on critical areas and improve performance. Regular online doubt-clearing sessions further support students by providing a platform to clarify course content, ask questions, and engage in discussions on complex legal concepts.

The committee also emphasizes practical learning through workshops and seminars with legal professionals, offering insights into the legal field and connecting theoretical knowledge to real-world applications. Additionally, fostering a collaborative academic community is a priority, encouraging knowledge sharing and support among students across different years.

Looking ahead, the committee plans to introduce new initiatives such as guest lectures and legal research projects to further enhance the academic experience and prepare students for future careers in law.

Acknowledgement

The Academic Committee of the Department of Law at the University of Calcutta extends its heartfelt gratitude to all those who have supported the establishment and ongoing efforts of this committee. We would like to express our sincere appreciation to the University of Calcutta for providing a conducive environment for academic growth and innovation.

We are especially thankful to the Student Union members, ***Surya Jyoti Sarkar*** *(President) and* ***Ananda Biswas*** *(General Secretary) for their unwavering support and guidance, which has been instrumental in facilitating our operations and ensuring that student voices are effectively represented in our initiatives.*

We also appreciate the enthusiasm and commitment shown by our Committee Secretaries - ***Anandita Nandy and Dipshikha Bhandari*** *of 7th Semester and Executive Members – 9th Semester-* ***Ridhikamini Basu Mallick,*** *7th Semester -* ***Ritisha Majumder, Maitreyee Roy****, 5th Semester -* ***Anu Mondal, Manami Pramanick, Supriti Murmu****, 3rd Semester –* ***Diksha, Krishna Thakur, Pragya Shukla, Arkodyuti Pramanick, Debapriya Dutta*** *in working collaboratively to enhance the academic environment for law students. Together, we aim to create a vibrant learning atmosphere that prepares students not only for examinations but also for their future careers in law.*

Disclaimer

The notes mentioned in the pdf are prepared for assistance of students in the Department of Law, Calcutta University. They are aimed at supplementing the efforts of students. Students are sincerely advised to attend classes and study by themselves, using these notes only as a means of reference to enhance their knowledge for examinations. This Committee does not condone missing classes or forsaking of own research for academic purposes.

Chapter 1- The Discipline of Political Science

1. Define Political Science.

The word political is derived from the Greek word 'Polis' meaning state. Thus, the word 'political' is commonly understood to mean anything related to the state. Political Science is a social science and discipline concerned with the study of the state, government and politics. It deals with the theory and practice of politics and the analysis of political systems and the political behavior. Political science is concerned chiefly with the description and analysis of political and government institutions and processes.

Traditional Definitions:

J.W. Garner- "Political science begins and ends with the state."

Paul Janet- "Political science is that part of social science which treats the foundations of the state and principles of government."

Lord Action- "Political Science is concerned with the state and with the conditions essential for its development."

Aristotle defined it as the study of the state. "The definitions of political science can be divided into two types, namely traditional and modern definitions."

Modern Definitions:

Harold Lasswell- "Political science is an empirical discipline, the study of shaping and sharing of power."

Max Weber- "Politics is the struggle for power or the influencing of those in power."

Harold Laski- "The study of politics concerns itself with the life of men in relation to organized states."

So, political science is an academic discipline, a branch of social science, which systematically discusses the theory and organization of the state, operation of governmental institutions, different political ideas, values and norms, political power and authority, political parties and pressure groups which influence the determination of public policy, international relations, laws and organizations.

2. Is Political Science a Science? Give reasons for your answer.

OR

Discuss the nature of Political Science.

Political Science, as a field of study, is often questioned regarding its classification as a 'science.' While the term 'science' typically brings to mind subjects like Physics, Chemistry, or Biology, political science has developed into a distinct academic discipline that attempts to systematically study political systems, behavior, institutions, and theories. However, its classification as a science is not as straightforward as in the natural sciences.

Arguments that Political Science is not a Science:

Political scientists like ***Maitland, Barker*** do not consider political science as a science because-

(i) **Lack of Predictability**:

Unlike natural sciences, where laws and theories often yield predictable outcomes, political science cannot consistently predict political events. Human behavior, which is central to politics, is complex and influenced by numerous unpredictable factors such as culture, emotion, and unforeseen global events. This lack of predictability makes it difficult to categorize political science as a 'true' science.

(ii) **Subjectivity and Bias**:

Political science is frequently chastised for being too subjective. The political inclinations and viewpoints of researchers can impact theories and assessments. Political science can be influenced by the beliefs and ideals of academics, which can result in different interpretations of the same political occurrence, in contrast to natural sciences, which aim for objectivity.

(iii) **Difficulty in Generalization**:

The study of political systems and behavior is highly context-dependent, shaped by specific historical, cultural, and social environments. Political outcomes that work in one country or period may not apply in another. This situational dependency makes it harder to develop universal laws or principles, a hallmark of scientific fields like physics or chemistry.

(iv) **Lack of Experimental Control**:

In the natural sciences, cause-and-effect correlations can be established by manipulating variables through controlled experiments. Such regulated contexts are frequently unattainable in political science. Researchers cannot easily experiment with political systems or human political behavior in the same way they can with chemical reactions or physical phenomena, limiting the scope of rigorous testing and verification.

(v) **No Clear Methodology for Proof:**

Unlike other scientific disciplines where findings can be proved or disproved through repeatable experiments, political science often lacks such a methodology. Much of political science relies on qualitative research, case studies, and historical analysis, which may offer valuable insights but cannot provide the same level of conclusive proof that natural sciences can.

(vi) **Value-Laden Nature of Political Inquiry**:

Normative problems concerning what ought to be instead of what is frequently interact with political science. The discipline departs from the objective character of natural sciences, which concentrate on explaining the world without necessarily dictating how it should be, by engaging in value judgments, such as which political system is better, more just, or more effective.

In spite of all above, the subject is regarded as science because-

(i) Social science:

Political science is not a pure science, but a social science. Politics is a systematized body of knowledge. Its facts are collected and organised through proper observation, comparison, experimentation, etc. like studies on election. Science is systematic and formulated. Knowledge of a specified subject, in that sense political science is certainly a science.

(ii) Scientific methods:

Empirical studies are based on careful observation and classification. Political science puts hypothesis to empirical verification. Theories are not built on speculation. Political scientists today employ survey methods, graphs, chat to arrive at their conclusion.

(iii) Experimentation:

The writers and thinkers do not agree with the view that political science has no laboratory and no experiment can be carried on. On the contrary, they believe that this vast universe in the laboratory and the human beings and political institutions are the objects on which experiments are being carried on.

Thus, Political science is not a pure science but a social science.

3. What is the subject-matter of Political Science?

Political Science is the study of association of people into a political community. It is the science concerned with the theory and practice of politics and the analysis of political system and political behaviour at various levels- local, national and international. An attempt was made by the International Political Science Association in Paris in 1948 to delineate its scope. It classified the same into four zones, namely- Political Theory, Political Institution, Political Dynamics, and International Relations.

(i) Political Theory:

Different political thinkers express their opinions, describe values, make generalisations on political phenomena, and formulate certain principles on political matters. On the basis of the political ideas or thoughts of political thinkers, different theories are formulated. These theories explain the rudimentary concepts of political science like democracy, liberty, equality, grounds of political obligation, sovereignty, etc. We also get the ideas of power, authority, and legitimacy which are the central concerns of political science.

(ii) Political Institutions:

It is also concerned with the study of formal political institutions such as the state and the instrument through which it acts the government. It studies the structures and functions of institutions like the executive, legislature, judiciary, and bureaucracies.

(iii) Study of the government:

Political Science studies also the government of the state. The state makes laws, executes them, and punishes those who break them. It discusses how this authority of the state is wielded by the government. Political science studies the composition of the government, its functions, different forms, branches, and departments. It discusses three organs of government the legislature, the executive, and judiciary, their compositions, functions, and role.

(iv) Political Dynamics:

Political dynamics means the forces that work in government and politics. It includes political parties, pressure groups, lobbies, public opinion, etc. The study of working of these political dynamics helps to explain the political behaviour of individuals and groups. Political science discusses the functions, importance, ideologies, structure of political parties.

(v) Public Administration:

Public Administration is a major branch of Political Science and is emerging as an independent discipline in recent times. It deals with the organization, control and coordination of administrative machinery, personnel administration, financial administration, public relations, management, administrative law and adjudication etc.

(vi) International Relations and International Law:

In the modern world of globalization, no state can develop itself without the help of others. Every state has to depend on other states. The interdependence of states is needed for the all-round development of states. So, the study of political science is not limited to the state. It deals with different aspects of international relations like international politics, diplomacy, the balance of power, collective security, nuclear deterrence, war and peace, etc. It also discusses international organisation like the United Nations Organisation, its objectives, principles, different organs, functions, different specialisation agencies

(vii) Relation between the State and the Individual:

The fundamental and enduring issue in Political Science is determining the appropriate dynamic between the government and the people. Individuals are granted specific rights and liberties by the state, which also uses the legal system to control their behaviour.

(viii) Study of individuals and society:

The study of political science embraces individuals and society. Man is by nature a social being. Man cannot live outside the society in complete isolation. Aristotle says that man is a political animal. Man cannot live outside the state. Only by living within a state man can develop his personality and acquire happiness in his life. The

state is the only agency that can ensure the all-round development of individuals and society.

Thus, the scope of Political Science has been expanding in recent times. The social life of man has a direct or indirect influence on his political life. Political Science enters any sphere of life which has political implications.

Chapter-2- Approaches to the Study of Political Science

1. Discuss the traditional approaches to the study of Political Science and its criticisms.

In the sphere of social sciences, the terms 'method' and 'approach' are applied rather loosely, and sometimes even interchangeably. However, in view of ***Dr J C Johari*****,** an approach is a way of looking at and then explaining a given phenomenon which includes everything related to the collection and selection of evidence necessary for investigation and analysis of hypotheses. Methods on the other hand is a way of organising a theory for application to data. According to ***Salvadori***, method refers to the technical devices used for gathering data and the points of view of the specialists.

According to ***Van Dyke***, "approaches consist of criteria for selecting problems and relevant data whereas methods are procedures for getting and utilising data". Accordingly approaches to the study of political science may be classified under two categories: the traditional approach and the modern approach.

The traditional approach is value based and lays emphasis on the inclusion of values to the study of political phenomena. The adherents of this approach believe that the study of political science should not be based on facts alone since facts and values are closely related to each other. Since the days of ***Plato and Aristotle*** "the great issues of politics" have revolved around normative orientations. Accordingly, there are a large number of traditional Approaches like legal approach, philosophical approach, historical approach, institutional Approach etc.

1. Philosophical Approach-

In the first place, the philosophical approach is concerned with the clarification of concepts used in a particular discipline. Secondly, the philosophical approach aims at evolving "standards of right and wrong" for the purpose of a critical evaluation of the existing institutions, laws and policies.

Philosophical approach to the study of political science could be traced in the writings of ancient philosophers like **Plato and Aristotle**. ***Leo Strauss*** who was one of the ardent supporters of this approach believed that "the philosophy is the quest for wisdom and political philosophy is the attempt truly to know about the nature of political things and the right or good political order." This approach lays stress on ethical and normative study of politics and is idealistic in nature. It deals with the problems of nature and function of state, issues of citizenship, rights and duties etc. Its themes are generally concerned with moral reasoning which cannot be subjected to scientific test.

2. Historical Approach-

Historical approach believes that political phenomena could be understood better with the help of historical factors like age, place, situations etc. Political thinkers like ***Machiavelli, Sabine and Dunning*** believe that politics and history are intricately related and the study of Politics always should have a historical perspective. ***Sabine*** is of the view that Political Science should include all those subjects which have been discussed in the writings of different political thinkers from the time of Plato. Every past is linked with the present and thus the historical analysis provides a chronological order of every political phenomenon.

The term 'historical approach' to politics may be used in two senses. Firstly, it may denote the process of arriving at the laws governing politics through an analysis of historical events, that is events of the past, as exemplified by the theories propounded by ***Hegel and Marx***. In the second place, historical approach stands for an attempt at understanding politics through a historical account of political thought of the past, as exemplified by ***George H. Sabine's*** **'A History of Political Theory'.**

Critics of the historical approach point out that it is not possible to understand ideas of the past ages in terms of the contemporary ideas and concepts. Moreover, ideas of the past are hardly any guide for resolving the crises of the present-day world which were beyond comprehension of the past thinkers.

3. Legal Approach-

Legal approach stands for an attempt to understand politics in terms of law. It focuses its attention on the legal and constitutional framework in which different organs of government have to function, inquires into their respective legal position, their powers and the procedure which makes their actions legally valid.

For instance, legal approach to Indian politics will proceed to analyse legal implications of various provisions of the Indian Constitution, duly documented by the decisions of the Supreme Court of India as well as by the opinions of legal luminaries, procedure of formation and legal position of the two Houses of the Indian Parliament and State legislatures, procedure of election or appointment, powers and position of the President, Prime Minister, Governors, Chief Ministers, Central and State Cabinets, etc., role and powers of the Supreme Court of India and High Courts, full legal implications of the federal set up, position of Fundamental Rights and Directive Principles of State Policy, etc. Similarly, legal approach to international politics will largely tend to analyse it in terms of the requirements of international law.

Moreover, all political processes to become effective and stable must culminate in legal provisions whether it is an independence movement in a colonized country or an agitation for civil rights or certain concessions for any sections of society. Besides, the study of constitutional law and international law, etc. in spite of its limited use in understanding politics, continues to play a pivotal role in the social and political life of almost every country.

Legal approach regards state as the creator and enforcer of law and deals with legal institutions, and processes. Its advocates include ***Cicero, Jean Bodin, Thomas Hobbes, Jeremy Bentham, John Austin, Dicey and Sir Henry Maine***.

4. Institutional Approach-

Institutional approach is closely related to legal approach, yet it is different. Significantly, this approach does not solely bank on other disciplines—philosophy, history or law—for understanding politics. Amongst the traditional approaches it alone gives independent identity to the systematic study of politics.

Institutional approach lays stress on the study of political institutions and structures like executive, legislature, judiciary, political parties, interest groups etc. Among the ancient thinkers ***Aristotle*** is an important contributor to this approach while the modern thinkers include ***James Bryce, Bentley, Walter Bagehot, Harold Lask***i, etc.

Accordingly, the upholders of the institutional approach proceed to study the organization and functioning of government, its various organs, political parties and other institutions affecting politics. Classification of governments, starting from ***Aristotle*** (monarchy, tyranny, aristocracy, oligarchy, polity and democracy) to modern classification (democracy and dictatorship, parliamentary and presidential, unitary and federal, etc.), identification of levels of government (federal, state and local) as well as branches of government (executive, legislative, judicial), composition and powers of each of these and their interrelationships (largely in legal terms), etc. are the chief concerns of this approach. It aims at giving an elaborate description of facts. Hence it exemplifies a shift from normative to empirical approach, and from a historical to a contemporary concern within the sphere of traditional approaches. However, it relies heavily on description rather than explanation. Hence, it fails to qualify as a contemporary approach.

Thus, traditional approach with all its intrinsic feature has made tremendous contribution to the understanding of political problems. Even now political researchers adhere to traditional approach for understanding issues of government and politics which shows significance of traditional approach.

Criticism of traditional approaches:

1. The traditional approaches have gloomily unsuccessful to identify the role of the individuals who are important in moulding and remoulding the shape and nature of Politics. In fact, individuals are important players of both national and international Politics. The focus is directed to the institutions.

   It is astounding that in all the institutions, there are individuals who control the structure, functions and other aspects. Singling out institutions and neglecting individuals cannot be pronounced as proper methods to study politics. The definition Politics as the study of institution is nothing but an overstatement or a travesty of truth.
2. Other political researchers argued that traditional approach is mainly descriptive. Politics does not rule out description, but it is also analytical. Sheer description of facts does not inevitably establish the subject matter of political science. Its purpose is studying the depth of every incident. Investigators want to know not only occurrence, but also why a particular incident occurs at a particular time.
3. The standpoint of the traditionalists is limited within the institutions. Political Researchers in modern world are not motivated to limit their analysis of politics within Institutions. They have explored the role of environment into which is included

international politics multinational corporations, non-governmental organisations or Trans-national bodies.

4. It is assumed that traditional analysis is inappropriate for all types of political systems both Western and non-Western. To recompense this deficiency, the political scientists of the post-Second World War period have developed a general system approach which is quite comprehensive. The outstanding feature of traditional approaches is that there is value laden system.

2. Discuss in details the behavioural approach to the study of Political Science. On what grounds this approach is criticised?

Behavioralism is one of the most significant modern approaches to the study of political science. Behavioralism is an approach in political science which seeks to provide an objective, quantified approach in explaining and predicting political behaviour. Its emergence in politics coincides with the rise of the behavioural social sciences that were given shape after the natural sciences. Behavioralism is mainly concerned in examining the behaviour, actions, and acts of individuals rather than the characteristics of institutions such as legislature, executive, and judiciary. Behavioralism seeks a systematic inquiry of political behaviour. Behavioralism is a movement in political science which insists on analysing only observable behaviour of political actors. The main contention of the Behavioralism is that the techniques, tools and methods of science can be used to understand, interpret, explain and predict political phenomena, events and occurrences. Behavioralism is also an exercise in ensuring a value-free study of the discipline of politics. It is usually argued that by the proponents of behavioural approach that political science should be studied in manner similar to the study of natural sciences. In this context, the supporters of behavioural approach insist that the main role of a political scientist is to collect and analyse factual data in an objective manner.

Origin and Development:

Though it is generally held that Behavioralism or political behaviour or behavioralism in politics is the product of Second World War, its true origin can be traced further back to the First World War with the publication in 1908 of the works of two political scientists, ***Graham Wallas*** *(Human Nature in Politics)* and ***Arthur Bentley*** *(The Process of Government)*. However, behavioralism as an approach in political science emerged in the 1930s in the United States as a result of dissatisfaction of the then existing approaches; therefore, it represents a

sharp break of previous political science approaches. This is because it emphasized an objective, quantified approach to explain and predict political behaviour. Following the Second World War through until the 1960s, behavioralism was a source of controversy. It was the site of discussion between traditionalist and new emerging approaches to political science.

David Easton, one of the most important proponents of behaviouralism states that "Behavioural research seeks to elevate the actual human being (individuals) to the centre of attention or the centre of analysis. Its premise is that the traditionalists have been focusing on institutions and virtually looking at individuals as entities apart from the components". The behavioural approach is an attempt to improve understanding of political science using systematic method with emphasis on empirical data, so that political process could be interpreted scientifically.

According to ***David Easton***, there are seven assumptions to behaviouralism.

1. **Regularities:**

It means that though individuals behave differently under different circumstances there are certain observable uniformities in the political behaviour of the individuals. In other words, in a particular situation the political behaviour of individual may be more or less similar (people uniformly react to certain circumstances). These regularities (uniform observable behaviour) can be observed and general conclusions can be framed which can further be expressed in generalization or theories in order to explain and predict political phenomena. The behavioralists assert that regularities of behaviour can help the researcher to analyse a political situation as well as to predict the future political phenomena. Study of such regularities makes political science more scientific with some predictive value.

2. **Verification:**

Second assumption is that generalisations drawn by observing regularities should be verified and tested. The behavioralists do not accept everything as granted. Therefore, they emphasize testing and verifying everything. According to them what cannot be verified is not scientific.

3. **Techniques:**

The behavioralists put emphasis on the use of scientific tools, methods and techniques to study political phenomena. They put emphasis on the use of those research tools and methods which generate valid, reliable and comparative data.

4. **Quantification:**

The behavioralists contend that the data should be quantified (deduced to numbers) so that it can be measured and conclusions can be drawn in a scientific way.

5. **Values:**

This refers to the standards of behaviour. In earlier times, political behaviour was associated with normative judgment—that is, everything was judged in the perspective of values and norms. The behavioralist put utmost emphasis on separation of facts from values. They believe that to do objective research one has to do be value free, meaning, that empirical judgment and value judgment are not mixed together. In other words, the researcher should not have any pre conceived notion or a biased view.

6. **Systematisation:**

According to the behavioralists, research in political science must be systematic. Collection of data and facts, research, analysis, building up conclusions and everything else are closely related. This is systematisation. Further, theory and research should go together and the researchers must see that their work must be theory-oriented and theory-directed. The researcher of political behaviour must proceed in his analysis quite systematically which means that the purpose of research is to arrive at truth or to build up general principles. All these will, in turn, supply materials for building up a structure of theory.

7. **Pure Science:**

The behavioralists claim that their approach as well as conclusions is based on the principles of pure science. Even their research conforms to the basic principles of pure science. Behaviouralism believes that the study of political science should be verified by evidence. Thus, they adopt the methods and techniques of pure science. Naturally, they attach great importance to research and to the conclusions built up by them. The behavioralists claim that their dependence on pure science has enhanced the acceptability and prestige of their conclusions.

8. **Integration:**

Integration is another hallmark of behaviouralism. According to the behavioralists, political science should be studied in consonance with other social science disciplines like History, Sociology, and Economics etc. This approach believes that political events are shaped by

various other factors in the society and therefore, it would be wrong to separate political science from other social science disciplines. In other words, political science must be studied in consonance with other social sciences so as to get a holistic understanding of the discipline.

Criticism of the behavioral approach

1. **Study of politics can never be value-free:**

   Politics, according to critics of behavioralism, can never be value-free, as the behavioralists believe. ***Sibley*****,** for example, thinks that values influence the selection of subjects for inquiry. "Values are prior to investigation, whether in politics or any other arena," Sibley said of the behavioralists. Before using the behavioural or any other approach, the political investigator, like others, must have some idea of his own hierarchy of priorities. He apparently believes that the 'political' realm is more vital to explore than any other.

2. **Behaviouralism concerns more with Techniques than Results:**

   Wasby has criticised behavioralism on the grounds that it places too much emphasis on procedures and methods while ignoring the theoretical significance of the subject. While conducting the research, the behavioralists chose only those issues for which better tools are available and ignored the others. Aside from that, they haven't given a damn about the results.

3. **Difficulties in studying ever changing behaviour:**

   It is extremely difficult to examine man's ever-changing behaviour because emotions, ideas, and thoughts change all the time. As a result, no true prediction regarding human behaviour can be made. Furthermore, measuring the role of many elements regulating human behaviour is quite challenging.

4. **Demarcation of boundaries amongst different social sciences:**

   Because sociologists, anthropologists, economists, and historians do not understand political science, there must be obvious distinctions between them. Scholars from other social sciences must not be permitted to dominate Political Science. ***Prof. Sibley*** has already warned about this risk.

5. **Behavioural research depends too much on other sciences:**

Political Science is depending on other social sciences, particularly sociology and anthropology, and is borrowing so much from them that it is feared that Political Science's basic identity, integrity, and autonomy will be lost. Although an inter-disciplinary approach can help in comprehending many political problems, it cannot answer all of the complexity of human behaviour.

6. **No emphasis on Applied Research:**

Behavioralists place too much focus on study into human political behaviour but do not apply that research to present concerns. It's not really useful there.

7. **Limited knowledge:**

Behavioural experiments provide only a limited understanding of human political behaviour. It does not provide real knowledge to solve the world's pressing challenges.

8. **Behaviouralism emphasises static rather than current situations:**

Behavioralists have traditionally focused their research on static subjects rather than contemporary issues. They justified this action at first by claiming that they were filling a void created by the researchers in this field, but it can no longer be justified in light of the pressing issues such as the threat of nuclear war, starvation, famine, malnutrition, and so on. All of these pressing concerns have so far been disregarded by behavioralists since they do not fit their study.

Though behavioralists have conducted extensive research, they have not applied their findings to the reality of life, instead limiting themselves to a few situations in the United States of America, whereas the Third World faces more pressing issues. So far, behavioralists have done nothing to address them. They have been more concerned with the finer points of skill.

Though behavioralism was born as a reaction against traditionalism, it has allowed itself to degrade by limiting its studies to a few problems in the United States of America. Everyone agrees that the methodology in Political Science should be empirical (behavioural) and value-laden (traditional) when dealing with contemporary social and political challenges, but Political Science must also identify solutions to these problems and put them into action.

Chapter-3- State

1. Define State.

The state is a central theme of political science. The term state may mean condition of health or economic condition and is sometimes loosely used by people to mean states of India, or "the United States of America". Different political thinkers have defined state in different ways:

Aristotle **-** **'**State is a union of families and villages having for its end a perfect and self-sufficing life by which we mean a happy and honorable life.'

Cicero **-** 'The state is numerous societies united by a common sense of right and mutual participation in advantages.'

Bodin **-** 'The state is an association of families and their common possession governed by the supreme power and by reason.'

Laski **-** 'A state is a territorial society divided into government and subjects claiming with its allotted physical area, a supremacy over all other institutions.'

But the most appropriate and commonly accepted definition has been given by ***Garner***. He defines the state as 'a community of persons, more or less numerous, permanently occupying a definite portion of a territory, independent or nearly so of external control and possessing an organized government to which the great body of inhabitants render habitual obedience.'

2. Discuss the essential elements of the state.

The definitions of a state reveal four characteristics or elements. They are- (a) Population, (b) Territory, (c) Organization or Government, and (d) Sovereignty. A state cannot be formed at all in the absence of any one of these characteristics.

Elements of State:

(1) **Population-**

Since the state is a human institution, it must have a population. The population is the first and indispensable element of the state. The population is the people who live within the state's boundaries. A state's population can vary in size, culture, ethnicity, religion, and language. There is no minimum or maximum population requirement,

but a state must have a stable group of people. In addition to numbers, the population can be diverse or homogeneous, and this composition often influences the state's policies, governance, and cultural identity. A well-functioning state creates conditions for its population to thrive through laws, rights, and infrastructure. The strength of the state depends upon the quality of the population. If the people are half-starved, illiterate, ignorant, they cannot be regarded as an asset to the state. ***Aristotle*** feels that "a good citizen makes a good state and a bad citizen makes a bad state. Honest, hard-working, intelligent, disciplined, literate people are boon to the state.

(2) **Territory-**

The second element which is essential for constituting a state is a definite territory. Here population cannot form a state, because a state cannot be constituted with gypsies or nomads unless they permanently settle down on a piece of land. When people started to settle down permanently in a definite territory state came into being. The state's control over this territory must be exclusive, meaning that no other state or organization can exert power within it without consent.

Territory is important because it provides the resources the population needs, such as land for agriculture, minerals and water. Disputes over territory are common causes of conflict between states. Control over a territory also includes the ability to administer laws and governance over its population and resources. Those who are in favor of big size say that big states are more secured than the small states as small states may fall easy victims to the aggression. Small states have the remote possibility of attaining economic self-sufficiency. By utilizing them, a good standard of living and welfare of people, in general, can be achieved.

(3) **Government-**

We cannot imagine a state without a government. Government is an agency through which public policies are formulated, common interests are promoted. The will of the state is expressed through the government. Laws of the state are made, declared and enforced by the government. It acts on behalf of the state. So, it is an essential element of the state. It includes branches like the executive, legislative, and judicial arms of government. Different forms of government:

- *Democracy:* Where people have a say in governance, either directly or through elected representatives.
- *Monarchy:* Where a single ruler, such as a king or queen, often based on hereditary rule.
- *Authoritarian regimes:* Where power is concentrated in the hands of one person or a small group.
- *Federal vs Unitary:* In federal systems, power is divided between central and regional governments. In Unitary states, power is concentrated in the central government.

(4) **Sovereignty-**

Sovereignty is the supreme and independent authority of the state to govern itself, make laws, conduct foreign affairs, and defend its territory. There are two main types of sovereignty:

- *Internal Sovereignty:* The state's ability to control its internal affairs without interference, such as making laws, enforcing policies, and managing its economy.
- *External Sovereignty:* The state's ability to act independently on the global stage, conduct foreign relations, enter into treaties, and defend itself from foreign aggression.

But practically the states do not possess absolute sovereignty. Internally forces of custom and religion, prescriptions of social ethics, the pressure of different social and political groups, public opinion put definite limits on the authority of the state. Sovereignty distinguishes a state from other entities like colonies or regions under the control of another state. Besides these four essential characteristics of state permanence and international recognition which are also of great importance.

(5) **Permanence-**

The state should be permanent. Other social institutions are temporary and changeable but the state is itself permanent. Within the state government may change but the state continues. The change of government does not affect the continuity of the state. The permanence of the state is not affected by the change in the geographical boundary.

(6) **International recognition-**

Some political thinkers are of the view that a state must be recognized by other states. The sovereignty of a state will have due value when it is recognized by other states. Securing membership in the United Nations Organization is considered necessary for attaining full statehood.

3. Differentiate between State and Government.

The main points of distinctions between the state and the Government are as follows-

- **Government is an element of a state**

  Firstly, the state has four essential characteristics namely population, territory, government, and sovereignty. So, the government is one of such essential elements that constitute a state. It is a part of the state. A part can have some similarities but cannot become equal to its whole.

- **State is permanent while government is temporary**

  The State is more or less permanent and continues from time immemorial. But the government is temporary. It changes frequently. A government may come and go, but the State continues for ever. Death of a ruler or the overthrow of a government in general elections does not mean the change of the State. If the Janata Government replaces the Congress Government, it involves no fundamental changes in the structure of the State of India.

- **State is abstract whereas government is concrete**

  The state is abstract and vague. We cannot see the state but can only imagine it. It has different conceptions for different people. We cannot see India but we can imagine that. On the contrary, the government is something concrete, definite and visible. We can see the personnel constituting the government, we can talk to them and discuss our difficulties and grievances and seek redress.

- **Only the state has territory and the government doesn't have territory**

  The concept of the territorial boundary or territory is related to the concept of the state. The state possesses a definite territory. But the concept of government does not relate to a territory. It has no geographical structure.

- **The state has sovereignty whereas the government does not have sovereignty**

  The State possesses sovereignty. Its authority is absolute and unlimited. Its power cannot be taken away by any other institution. Government possesses no sovereignty, no original authority, but only derivative powers delegated by the State through its constitution. Powers of government are delegated and limited.

- **Membership of state and government**

  Membership of the state is compulsory, but membership of the government not. Every individual within a state is a member of that state. As a matter of fact, he is born as a member of that state. Membership of the state is compulsory. But that is not the case with the government. Only a small number of persons who are engaged in the administration of the country are members of the government. And this membership is not at all compulsory.

- **Citizen's rights**

  Lastly the citizens possess rights to go against, government and not against the State. The State only acts through the government and the government may commit mistakes and not the State. Thus, the citizens have only rights to go against the government. Moreover, the State consists of the citizens, the citizens go against the State, it will mean to go against themselves. This is an impossible proposition. The State is therefore, and indestructible union of citizens having the chief characteristic of permanence and continuity. Government is only a part of the State.

4. Differentiate between State and Society.

Several differences are noticed between the state and the society:

- **Difference in origin:**

  Society came into existence prior to the state. Society began with the birth of man on earth. Society is natural and instinctive to man because he cannot live in isolation. Aristotle has rightly said that man is a social animal by nature and necessity. The state is the creation of will and reason. In a particular stage of social evolution, the state came into being from within the society.

- **Society is wider in scope than State:**

Society is a very broad and comprehensive organisation of human beings. It is formed by all types of relations (social, economic, cultural, political, moral, religious, and others) that emerge and develop among the people who are members of the society. As against this, State is only a political institution or organisation. It is concerned primarily with the exercise of power in society. State constitutes the sovereign power-system of the Society.

- **Government is the element of the state not of the society:**

  Government is one of the essential elements of the state. The will of the state is materialised through the government. The government is the administrative machinery of the state. Society does not have this kind of definite administrative machinery of government.

- **State is a politically organised unity of the people:**

  Society is a natural unity of people bound together in social relationships: Society includes both organised and un-organised groups of people, their activities and relationships. It consists of the vast network of all human relationships in society. State is a politically organised community of people living on a definite portion of territory and characterised by the exercise of sovereignty over the people. State is the organised political community of the people of a society.

- **Society is the sum of voluntary bodies or associations, whereas the state is a compulsory institution:**

  The modern concept of society is constituted with the social, cultural, economic, religious institutions. Man forms these institutions voluntary. But the state is a compulsory institution or it is constituted intentionally to fulfill certain specific ends. The membership of the state is compulsory while the membership of society is voluntary.

- **Society is concerned with both internal and external human behaviour, State is concerned with external aspects of human behaviour:**

  State is concerned with external human behaviour. Its laws lay down rules which regulate the external behaviour of the people and their groups, institutions, and organisations. State uses its coercive power on each such person/group/institution which

commits any breach of law. In contrast, the society is concerned with all aspects of human behaviour and relations in society. Social customs and traditions, and rules of morality cover all types of social relations at all levels—individual, family, community, neighbourhood, regional and national.

So, there are differences in structure, goal, procedural activity between the state and society. So, it is clear that state and society are two different terms.

5. Differentiate between State and Associations.

The state is an association, but there are vital differences between the state and other associations.

1. **Territory**

   The state is essentially a territorial organization. The activities of a state are confined to its own territory. But other associations may not be confined to a particular territory. Associations like the Rotary Club or the Red Cross Society have a worldwide organization. They are global in their membership and activities.

2. **Membership**

   Membership of the state is compulsory. No one can escape the membership of the state, but the membership of an association is of a voluntary nature. A person may or may not become a member of any association. Its membership is acquired or given up by the free choice of an individual.

3. **Individual membership**

   Individual may become a member of any number of associations he likes, but he cannot be a member of more than one state at the same time.

4. **Nature**

   The state is a permanent entity, while other associations may or may not be so.

5. **Subject of interest**

   An association is concerned with one or at best a few specific interests of a particular group of persons. The state is a common association of all its citizens and is concerned with general interests common to the people as a whole.

6. **Sovereignty**

   Sovereignty is a differential element of the state. It distinguishes the state from other associations. The state possesses coercive authority by means of which it can compel the citizens to obey its laws. The citizens can be deprived of life, liberty, or property if

they violate the laws of the state. Other associations have no such supreme or coercive power to enforce their rules. The utmost punishment which other associations can inflict is expulsion.

7. **Supremacy of state**

   The supremacy of the state over other associations is an established fact. It controls and coordinates the activities of all associations in society. It may or may not allow a particular association to exist.

Thus, the state is an all-pervasive, compulsory, permanent, and theoretically omnipotent association, while other associations are limited in their scope, procedure, and functions. It is the state which upholds and enforces order amongst other associations within its boundary. The state therefore is truly called "an association of associations."

Chapter-4- Origin of the State

1. Explain the social contract theory regarding the origin of the State. What are the criticisms levelled against this theory?

The Social Contract Theory

The social contract theory is one of the theories of the origin of the state. It has been emerged since the time of the sophists of the Greece but it has got recognition in the hands of the great trio. The name of these great philosophers were – ***John Locke, Thomas Hobbes and Jean Jacques Rousseau.***

The term social stands for the society where these individual persons live and the term contract is an agreement or a promise made between the two or more individual and a groups/society. There were many other theories of the origin of the state but the social contract theory has explained the origin of state in a systematic manner.

This theory states that the society or the state came into being by a contract that was made between the individual and the society or the contract that was made amongst the individual people. It states that the conditions in the state of nature at some point became worst and to come of this situation the people entered themselves into a contract and according to this contract the people will surrender some part of their right to the sovereign. According to ***Hobbes,*** people will surrender all their rights to the kings and king will not be a part of the

contract, the king will be all sovereign whereas ***Locke*** says that the people will surrender only a part of their right to the king and is also a part of the contract and the people will have the right to change the king if he fails to fulfil his duties and ***Rousseau*** talks about the General Will, it is not the will of all nor it is the will of the majority but is a general will is the will of the people for the common good.

Socrates' Argument

In the early Platonic dialogue, ***Crito, Socrates*** makes a compelling argument as to why he must stay in prison and accept the death penalty, rather than escape and go into exile in another Greek city. He personifies the Laws of Athens, and, speaking in their voice, explains that he has acquired an overwhelming obligation to obey the Laws because they have made his entire way of life, and even the fact of his very existence, possible. They made it possible for his mother and father to marry, and therefore to have legitimate children, including himself. Having been born, the city of Athens, through its laws, then required that his father care for and educate him. Socrates' life and the way in which that life has flourished in Athens are each dependent upon the Laws. Importantly, however, this relationship between citizens and the Laws of the city are not coerced. Citizens, once they have grown up, and have seen how the city conducts itself, can choose whether to leave, taking their property with them, or stay. Staying implies an agreement to abide by the Laws and accept the punishments that they mete out. And, having made an agreement that is itself just, Socrates asserts that he must keep to this agreement that he has made and obey the Laws, in this case, by staying and accepting the death penalty. Importantly, the contract described by Socrates is an implicit one: it is implied by his choice to stay in Athens, even though he is free to leave.

Thomas Hobbes

Thomas Hobbes (1588-1679) lived during the most crucial period of early modern England's history: the English Civil War, waged from 1642-1648. Hobbes' political theory is best understood if taken in two parts: his theory of human motivation, Psychological Egoism, and his theory of the social contract, founded on the hypothetical State of Nature. Hobbes has, first and foremost, a particular theory of human nature, which gives rise to a particular view of morality and politics, as developed in his philosophical masterpiece, *Leviathan*, published in 1651.

In Hobbes' view, this mechanistic quality of human psychology implies the subjective nature of normative claims. 'Love' and 'hate', for instance, are just words we use to describe the things we are drawn to and repelled by, respectively. So, too, the terms 'good' and 'bad' have no meaning other than to describe our appetites and aversions. Moral terms do not, therefore, describe some objective state of affairs, but are rather reflections of individual tastes and preferences.

In addition to Subjectivism, Hobbes also infers from his mechanistic theory of human nature that humans are necessarily and exclusively self-interested. All men pursue only what they perceive to be in their own individually considered best interests – they respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. This is a universal claim: it is meant to cover all human actions under all circumstances – in society or out of it, with regard to strangers and friends alike, with regard to small ends and the most generalized of human desires, such as the desire for power and status.

In addition to being exclusively self-interested, Hobbes also argues that human beings are reasonable. They have in them the rational capacity to pursue their desires as efficiently and maximally as possible.

From these premises of human nature, Hobbes goes on to construct a provocative and compelling argument for why we ought to be willing to submit ourselves to political authority. He does this by imagining persons in a situation prior to the establishment of society, the State of Nature.

According to Hobbes, the justification for political obligation is this: given that men are naturally self-interested, yet they are rational, they will choose to submit to the authority of a Sovereign in order to be able to live in a civil society, which is conducive to their own interests. Hobbes argues for this by imagining men in their natural state, or in other words, the State of Nature. In the State of Nature, which is purely hypothetical according to Hobbes, men are naturally and exclusively self-interested, they are more or less equal to one another, (even the strongest man can be killed in his sleep), there are limited resources, and yet there is no power able to force men to cooperate. Given these conditions in the State of Nature, Hobbes concludes that the State of Nature would be unbearably brutal. In the State of Nature, every person is always in fear of losing his life to another. They have no capacity to ensure the long-term satisfaction of their needs or desires. No long-term or complex cooperation is possible because

the State of Nature can be aptly described as a state of utter distrust. Given Hobbes' reasonable assumption that most people want first and foremost to avoid their own deaths, he concludes that the State of Nature is the worst possible situation in which men can find themselves. It is the state of perpetual and unavoidable war.

The situation is not, however, hopeless. Because men are reasonable, they can see their way out of such a state by recognizing the laws of nature, which show them the means by which to escape the State of Nature and create a civil society.

The Social Contract is the most fundamental source of all that is good and that which we depend upon to live well. Our choice is either to abide by the terms of the contract, or return to the State of Nature, which Hobbes argues no reasonable person could possibly prefer.

Given his rather severe view of human nature, Hobbes nonetheless manages to create an argument that makes civil society, along with all its advantages, possible. Within the context of the political events of his England, he also managed to argue for a continuation of the traditional form of authority that his society had long since enjoyed, while nonetheless placing it on what he saw as a far more acceptable foundation.

John Locke

For ***John Locke (1632-1704)*****,** the State of Nature is a very different type of place, and so his argument concerning the social contract and the nature of men's relationship to authority are consequently quite different. While Locke uses Hobbes' methodological device of the State of Nature, as do virtually all social contract theorists, he uses it to a quite different end. Locke's arguments for the social contract, and for the right of citizens to revolt against their king were enormously influential on the democratic revolutions that followed, especially on ***Thomas Jefferson****,* and the founders of the United States. Locke's most important and influential political writings are contained in his *Two Treatises on Government.*

According to Locke, the State of Nature, the natural condition of mankind, is a state of perfect and complete liberty to conduct one's life as one best sees fit, free from the interference of others. This does not mean, however, that it is a state of license: one is not free to do anything at all one pleases, or even anything that one judges to be in one's interest. The State of Nature, although a state wherein there is no civil authority or government to punish people for transgressions against laws, is not a state without morality. The State of Nature is pre-political, but it is not pre-moral. Persons are assumed to be equal to one another in such a state, and

therefore equally capable of discovering and being bound by the Law of Nature. The Law of Nature, which is on Locke's view the basis of all morality, and given to us by God, commands that we not harm others with regards to their "life, health, liberty, or possessions". Because we all belong equally to God, and because we cannot take away that which is rightfully His, we are prohibited from harming one another. So, the State of Nature is a state of liberty where persons are free to pursue their own interests and plans, free from interference, and, because of the Law of Nature and the restrictions that it imposes upon persons, it is relatively peaceful.

According to Locke, the State of Nature is not a condition of individuals, as it is for Hobbes. Rather, it is populated by mothers and fathers with their children, or families – what he calls "conjugal society".

Because Locke did not envision the State of Nature as grimly as did Hobbes, he can imagine conditions under which one would be better off rejecting a particular civil government and returning to the State of Nature, with the aim of constructing a better civil government in its place. It is therefore both the view of human nature, and the nature of morality itself, which account for the differences between Hobbes' and Locke's views of the social contract.

Jean-Jacques Rousseau

Jean-Jacques Rousseau (1712-1778), lived and wrote during what was arguably the headiest period in the intellectual history of modern France–the Enlightenment. Rousseau has two distinct social contract theories. The first is found in his essay, *Discourse on the Origin and Foundations of Inequality Among Men*, commonly referred to as the *Second Discourse*, and is an account of the moral and political evolution of human beings over time, from a State of Nature to modern society. As such it contains his *naturalized* account of the social contract, which he sees as very problematic. The second is his *normative*, or idealized theory of the social contract, and is meant to provide the means by which to alleviate the problems that modern society has created for us, as laid out in the *Social Contract*.

The Social Contract begins with the most oft-quoted line from Rousseau: "Man was born free, and he is everywhere in chains". This claim is the conceptual bridge between the descriptive work of the Second Discourse, and the prescriptive work that is to come. Humans are essentially free, and were free in the State of Nature, but the 'progress' of civilization has substituted subservience to others for that freedom, through dependence, economic and social inequalities, and the extent to which we judge ourselves through comparisons with others.

Since a return to the State of Nature is neither feasible nor desirable, the purpose of politics is to restore freedom to us, thereby reconciling who we truly and essentially are with how we live together. So, this is the fundamental philosophical problem that *The Social Contract* seeks to address: how can we be free and live together? Or, put another way, how can we live together without succumbing to the force and coercion of others? We can do so, Rousseau maintains, by submitting our individual, particular wills to the collective or general will, created through agreement with other free and equal persons. Like Hobbes and Locke before him, and in contrast to the ancient philosophers, all men are made by nature to be equals, therefore no one has a natural right to govern others, and therefore the only justified authority is the authority that is generated out of agreements or covenants. The most basic covenant, the social pact, is the agreement to come together and form a people, a collectivity, which by definition is more than and different from a mere aggregation of individual interests and wills. This act, where individual persons become a people is "the real foundation of society".

Rousseau's social contract theories together form a single, consistent view of our moral and political situation. We are endowed with freedom and equality by nature, but our nature has been corrupted by our contingent social history. We can overcome this corruption, however, by invoking our free will to reconstitute ourselves politically, along strongly democratic principles, which is good for us, both individually and collectively.

The social contract theory as expounded by ***Hobbes, Locke and Rousseau*** does not explain the origin of the state. There is no evidence to support this theory. The contention of these Philosophers is not borne out by facts. What was contributed by Hobbes to Political Philosophy was Absolutism. Locke gave recognition to the concept of Limited Government. Rousseau popularised the idea of Popular Sovereignty.

Criticisms against social contract theory

The theory of social contract has been criticized from the historical point of view; it is not acceptable. History does not give single evidence which could indicate that there was a stable society. This theory is illogical and baseless. The progress of the society has been from status to contract, contract is not the beginning but the end of society. The contract cannot be made by only one party as one-sided contract as expounded by Hobbes. The relation between individual and the state is not by contract but by birth.

The social contract theory is also attacked on legal grounds. It is contended that a legally sound contract implies the prior existence of some authority and its sanction before the contract implies the contract is entered into. In the case of social contract theory there was neither the authority nor the sanction before the contract was concluded. The social contract theory is also criticised on philosophical grounds. The social contract theory is criticised as bad history, bad law and bad philosophy. It is bad philosophy, because it looks upon the state as an artificial contrivance and not a natural process of growth.

The presupposition that the state of nature was selfish and brutal before the contract came into existence cannot be accepted without reservation. Because man is neither absolutely selfish nor absolutely unselfish. We cannot ignore the fact that man has both egoistic and altruistic nature.

2. Discuss the historical or evolutionary theory regarding the origin of the State. Explain the limitations of this theory.

Evolutionary Theory

Evolutionary theory talks about how the state was formed as a result of many different social circumstances and also reaches its present form with the process of evolution. The state started with tribe, and tribal administration, and also later as a city-state, empire state, and feudal state.

The State is, so ***Garner*** said, "neither the makeup about God, nor the aftereffect on predominant authentic power, nor the production on purpose than show, nor an easy extension on the family." It is an establishment on normal development as the start of the broad necessities about the entity regarding soul then suffice concerning within availability for the reason concerning helpful life.

Several factors contributed in accordance with the state's growth. Family ties, religion, war, movement, monetary activities, or political attention had been on the list. The consonant is a vital element so contributed to the imitation of the state's development:

- Family relationship
- Religion
- Property then protection
- War and Force

- Political awareness

a. Family Kinship

Connection is the near massive yet dependent on blood kinship yet coalition was the primary most grounded discipline concerning solidarity. The family comprised the primary connection during the day past the improvement concerning the administration with the development regarding the family arising new households then the duplication regarding households brought about the association concerning companies then clans. Connection used to be the fundamental thing that certain individuals together.

Supported the feeling of family relationship, namely the course regarding a long time amplified the gathering. The gore discipline on sonship modified vaguely between the convivial discipline over the more sizeable fellowship. The rule regarding the later passes in the pressure of the rule again under the aegis concerning amalgamation modern constructions put in appearances who upward push on it. Connection makes society or tribe finally makes the state.

b. Religion

In early society, faith-imposed assistance on solidarity. It also had an impact on human beings from various backgrounds. A feel regarding convivial fortitude used to be made by way of the amour on a regular producer and ordinary items. Taking everything into account, at that place was funk between the hearts concerning men. Even now, we take a look at succinct processes, and commitments, or have confidence in uniting persons. In the strong old days, worship delivered people about whole races together, then team spirit was imperative because of the establishment of a state.

Individuals have been no longer fostered yet advanced in the past. The man was once impotent among the rear about habit at its point. As a result, she tried to conform to impact habit via a variety of parts as the opposite grew to be regarded as magic. With the communication over time, men progressed and ended up as cleric lords. Religion developed come to be a robust tool because of keeping government upon humans above time. Religion, at last, performs a vital role in a range of regimen functions.

c. Property then protection

Through old times, religion then defence played an essential function over the emergences about that state, especially these sorts of whoever were wanderers yet vagabonds yet tribal.

Professor Laski has alluded to accordance with the want of securing religion by way of the citizenry or safeguarding the faith purchased between coalition together with the population referenced previously. The accordant triggered working changes of the associative skeleton or the correlation of the persons beside a number of gatherings. The need to protect the law, in the end, forced the historical humans into conformity with the layout of the status. The earliest people lived in imitation of a high quantity because of lotos then fields. They did now not too really know what agribusiness was. They did now not encompass a precise house then be brought paid out incidence into light over this. The ordinary population was extended together with the exchange regarding epoch yet the body was compelled to imitate of offer down.

d. War and Force

Force has an enormous effect on the state's development so well. The establishment concerning geographical regions or domains was structured about the software on genuine power. War then power performed a necessary position in the state's development. When the limit is used, even is a compelling purpose because of doing so. To start with, the pressure was back in accordance with capturing creatures, resources, or areas the place had been neighbouring clans. As a result, certain should dispute and conflicts have been fought forward or most important because of economic gain. Since conflict has grown to be an altogether long-lasting part of hereditary life, the initiative has also come to be pretty long-lasting. With the bargain about time, primeval states had been converted of realms, and the reducing edge regime was founded alongside its lines. The importance of its thinking is to that amount that makes sense up to expectation the State is the outcome of development, a gradual progression over a long length of time or sooner or later moulding itself into an intricate structure over a cutting-edge State.

e. Political Awareness

Probably the most important factor in the origin of the state was the development of political awareness. Political awareness means a consciousness among the people of common purposes and ends to be realized through political organization. People thought that common problems should be solved by the cooperation of all. Political organization is absolutely essential to satisfy human needs. Initially, the need for political organization was felt only by the enlightened members of the society, but gradually, other sections of society came to realize its significance, and it assumed general character. Among all the elements of state formation, political awareness is the supreme element, says ***Gilchrist.*** There cannot be a state unless people desire and unless prepared to obey the order of the state.

Enough factors helped the introduction concerning their state. Due to conformity with the starting point, no individual aspect single used to be answerable. Occasionally whole connection half of that period had a sizeable spiffy on as assist the subject matter whereby savage tribes used to end up busy as much a state. For its kinsman large numbers regarding speculations which seem in accordance with resonating of forwarding the states, the growing speculation certain amongst the almost palatable. Its assignment in imitation of remain seen as no speculation pin- focuses half time at as the government started as like a final result regarding many elements deed between affiliation at a number of times.

Thus, we find that the state originated due to combination of a number of factors like kinship, religion, force, economic activities and political consciousness. It is wrong to say that a particular factor is only responsible for the origin of the state. State is a complex organization and its origin lies in a combination of various factors. As the evolutionary theory takes into consideration of all these factors, it is considered to be the best theory of the origin of state.

Limitations of Evolutionary Theory

The Evolutionary Theory of the origin of the state posits that the state developed naturally out of the early family, with its structure evolving over time into clans, tribes, and eventually into the complex form of a state. While it has been influential in political science and anthropology, it also has notable limitations:

- **Lack of Empirical Evidence:** The theory assumes that states evolved naturally over time without offering sufficient empirical evidence for how early political systems concretely transformed into states. It's largely speculative in nature.
- **Overemphasis on Family Structure:** The theory places significant weight on the family as the nucleus of the state, which may not apply to all cultures or historical contexts. It overlooks other important factors such as economic, military, or religious influences in the development of the state.
- **Simplification of State Formation:** It simplifies the complex and varied processes that lead to the formation of states. State formation often involves warfare, economic factors, and external pressures that the evolutionary theory doesn't adequately address.
- **Linear Progression Assumption:** Evolutionary theory suggests a linear progression from family to state, which does not account for the fact that many societies remained at tribal or clan levels of organization without transitioning into states.

- **Neglect of External Factors:** It often ignores the role of external factors like colonization, migration, and conquest in the formation of states. Many states have emerged not through gradual evolution but through external imposition or abrupt transformations.
- **Ethnocentrism:** The theory is often criticized for being rooted in Western historical experiences, implying that all states follow the same evolutionary path, which is not the case in non-Western contexts.
- **Failure to Address Modern State Formation:** Evolutionary theory doesn't adequately explain the formation of modern states, especially in the context of globalization, international relations, and modern political institutions that are often shaped by forces beyond organic evolution.

These limitations suggest that while the Evolutionary Theory of the state offers useful insights, it does not fully account for the diversity and complexity of state formation processes across different societies and historical periods.

3. Examine the Divine Origin Theory of the State. Explain the limitations of this theory.

Divine Origin Theory

Divine Theory of Origin of State, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State. The State, its advocates maintain, was created by God and governed by His deputy or Vicegerent. It was His will that men should live in the world in a state of political society and He sent His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions to God alone. As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law. Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.

The theory of the Divine Origin of the State is as old as Political Science itself. There is sufficient evidence to prove now that early States were based on this conception and all political

authority was connected with certain unseen powers. The earliest ruler was a combination of priest and king or the magic man and king The authority and reverence which a ruler commanded depended upon his position as a priest or a magic man. Religion and politics were so inextricably mixed up in the primitive society that not a hazy line of demarcation could be drawn between the two.

The theory that the State and its authority has a Divine Origin and sanction finds equivocal support in the scriptures of almost all religions in the world. In the Mahabharata, it is recounted that the people approached God and requested him to grant them a ruler who should save them from the anarchy and chaos prevailing in the state of nature. “Without a Chief, O Lord”, they prayed, we are perishing. Give us a Chief whom we shall worship in concert and who will protect us the theory of Divine Origin, however, received a new impetus with the advent of Christianity. Render unto Caesar the things that are Caesar’s, said Jesus Christ, and Paul amplified this in his Epistle to the Romans, which has been quoted by writer’s time and again in support of the theory of Divine Origin. We are, thus, told, let every soul be subject unto the higher powers. For there is no power but of God the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the Ordinance of God and they that resist shall receive themselves damnation. The theory of Divine Origin so enunciated, believed in and accepted, thus, implied

1. That God deliberately created the State and this specific act of His grace was to save mankind from destruction
2. That God sent his Deputy or Vicegerent to rule over mankind. The ruler was a divinely appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his I command was a sin for which there was divine punishment.

Divine Rights of King

There were direct and precise instructions to the faithful. Although the Roman Empire was a pagan empire, Paul had ordered Christians to accept its authority as derived horn God and thereby admitted that the State, whatever the personal morality of the monarch, was divinely ordained. During the Middle Ages in Europe the theory of the Divine Origin of the State was transformed into the doctrine of the Divine Right of Kings. The temporal authority, having emerged victorious over the spiritual authority, claimed that it was a divine favour to the

Vicegerents of divine authority. Even today the Queen of Great Britain is a Queen "by the Grace of God".

The main points in the doctrine of the Divine Right of Kings may, thus, be summed up: -

A. Monarchy is divinely ordained and the King draws his authority from God.

B. Monarchy is hereditary and it is the divine right bf a King that it should pass from father to soil.

C. The King is answerable to God alone and

D. Resistance to the lawful authority of a King is a sin.

The theory of the Divine Right of Kings, originally used in the Middle Ages to serve as a bulwark against the claims of the Church, Fathers, was later used by Kings and their supporters to defend their existence against the political consciousness of the peoples: when the people claimed that ultimately power and sovereign authority rested with them.

As an origin of the state, the divine right theory is no longer alive. It is a defunct dogma. The emergence of the social contract theory which held the wishes of the people in high halo dwarfed the godly wishes in the creation of the state. When human activities were considered the motive force of the state, the divine one receded to the background and finally vanished away.

The important role assigned to the man in the creation of the state by the social contract theory shattered all hopes for the divine right theory. The second factor in the decline of the divine right theory was the Reformation Movement in the sixteenth century Europe, which curbed the authority of the Pope and the Church and at the same time brought the monarch and the people in the limelight.

The scientific and logical thinking associated with the Renaissance and the Reformation enabled men to look into the theory of the origin of the state as something which must be created by non-church and non-god bodies. With the decline of the authority of religion declined the divine authority.

The final nail in the coffin of the divine right theory was the modern theory of ***Thomas Hill Green*** that democracy, i.e., will of the people was the basis of the state.

Limitations of Divine Origin Theory

Divine Theory of Origin of State is dismissed as an explanation of the origin of the State At the same time, the theory has a certain value. We cannot ignore the part which religion played in the development of the State. The early rulers combined unto themselves the authority and functions of a king and a priest. Law had a religious sanction and divine or religious law appealed to primitive man more than human law. Obedience to the State was deemed a religious duty and religious worship was Supported by government, Belief in a common religion was, thus, a great combining factor which welded the people in the pursuit of common ends. It taught men to obey when they were not yet ready to govern themselves Finally, the theory of Divine Origin adds a moral tone to the functions of the State. To regard the State as the work of God is to give it a high moral status, to make it something which the citizen may revere and support, something which he may regard as the perfection of human life.

1. That the State is divinely created does not find any place in the present political thought. The State is essentially a human institution, and it comes into existence when a number of people occupying a definite territory Organize themselves politically for achieving common ends, The laws of the State are made by men and enforced by them. The State, therefore, originated in the bare needs of the life of man and continues in existence for the satisfaction of those needs and aspirations for a good life. To accept it as the creation of God is to defy nature itself and to exalt the State to a position above criticism and change.

2. The Divine Origin theory is dangerous as it justifies the arbitrary exercise of royal authority by holding that authority has a religious sanction and origin, and Kings are the vicars of God. When the ruler is made responsible for his actions to God alone and law is held to reside ultimately in the breast of the King is tantamount to preaching absolutism and making the King a despot.

3. Even if it be conceded that the King is the vicegerent or deputy of God, then, how can the existence of a bad King be justified. History abounds in examples of bad and vicious Kings. God personifies virtue, grace and benevolence and so should be His deputy It is, accordingly, bad logic to accept the dogma of James I that Kings are breathing images of God upon earth. Even in the scriptures the theory does riot find unequivocal support. The Bible tells us, Render unto Caesar the things that are Caesar's and unto God the things

that are God's. This saying of Christ does not justify the Divine Origin of the State Finally, the theory does not consider any other form of government except monarchy and that, too, absolute monarchy Such a form of government is antagonistic to the democratic ideal which accepts consent as the basis of the State.

4. Divine Theory of origin of State and with that the Divine Right of Kings was discredited in the seventeenth and eighteenth centuries in the West and was replaced by the Social Contract Theory and Rousseau's concept of popular sovereignty. Thus, the Voice of God gave place to the voice of the people. Basis of a good state. It has to be admitted that it did not exist in ancient Indian state. Even though, the epic of Mahabharata and Ramayana taught about good governance and Brotherhood.

4. Explain the force theory regarding the origin of the State. Explain the limitations of this theory.

Force Theory

Force Theory of origin of state is another fallacious theory, but historically important, which is offered as an explanation of the origin and meaning of the State. There is an old saying that war beget the king and true to this maxim, the theory of Force emphasizes the origin of the State in the subordination of the weak to the strong. The advocates of the theory argue that man, apart from being a social animal is bellicose by nature. There is also a lust for power in him. Both these desires prompt him to exhibit his strength and in the early stages of the development of mankind a person physically stronger than the rest captured and enslaved the weak. He collected in this way a band of followers, fought with others, and subjugated the weak.

Having increased the number of his followers, over whom he exercised undisputed authority, he became a tribal chief. A clan fought against a clan and a tribe against a tribe. The powerful conquered the weak and this process of conquest and domination continued till the Victorious tribe secured control over a definite territory of a considerable size under the sway of its tribal chief, who proclaimed himself the King. ***Leacock*** gives a matter-of-fact explanation of the Force Theory when he says that historically it means that government is the outcome of human aggression, that the beginnings of the State are to be sought in the capture and enslavement of man by man, in the conquest and subjugation of feebler tribes and generally speaking in the self-seeking domination acquired by superior physical force. The progressive growth from tribe

to kingdom, and from kingdom to empire is but a continuation of the same process. The theory, in from tells us that the State is primarily the result of forcible subjugation through long-continued Warfare, among primitive groups and historically speaking, as ***Jenks*** says, "there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare."

Once the State had been established, force, which had hitherto been utilized for subjugating others. Was used as an instrument for maintaining internal order and making it secure from any kind of external aggression. But this alone was not sufficient. Force was used as the sinews of war and power and a bid for superiority, one State fought against another, eliminating the weaker and only those survived which either could not be conquered, or no venture was made to conquer them as they were comparatively Powerful. The theory of Force, therefore, traces the origin and development of the State to conquest and justices its authority, by the proposition that might is right.

The theory has, thus, four Implications.

First, force is not only a historical factor, but is the present essential feature of the State.

Secondly, that the States were born of force only.

Thirdly, that power is their justification and,

Finally, that the maintenance and extension of power within and without is the sole aim of the State.

The theory of Force has been advanced by different thinkers and writers for advocating their own point of view. It was first used by the Church Fathers in the medieval period to discredit the State, and to establish the supremacy of the Church. They claimed that the Church was divinely created whereas the State was the outcome of brute force.

In modern times the Individualists owned the theory to protect individual liberty against government encroachment. The Individualists base their arguments on the principle of survival of the fittest and try to prove that it is only the strong who survive and the weak go to the wall. The Socialists, on the other hand, hold that the State is the outcome of the process of aggressive exploitation on the weaker by the stronger the latter constituting the propertied class who had ever manned administration and directed the machinery of the government to their own benefit.

Limitations of Force Theory

Force indeed, has played an important part in the origin and development of the State some of the greatest empires of today have been established through blood and iron. We may see even more of this blood and iron in the days to come. Force is an essential element Of the State. Internally, the State requires force to ensure Obedience to its commands. Externally, it is necessary to repel aggression and to preserve the integrity of the State. Without force no State can exist and sovereignty of the State always rests ultimately on force. ***Kant*** said, "Even a population of devils would find it to their advantage to establish a coercive State by general consent."

1. This does not sufficiently explain the origin of the State. Force is, no doubt, one of the factors which contributed to the evolution of the State. It is however, not the only one, nor the most important factor, and the theory of force errs in magnifying What has been only one factor in the evolution of society into the sole controlling force. Force is, also, not the only basis of the State. Something other than, force is necessary in binding the people together. It is will, not force, which is the real basis of the State. Sheer force can hold nothing together because force always disrupts unless it is made subservient to common will. Force we do need in maintaining the State but its indiscriminate use cannot be permitted. It must be used as a medicine and not a daily diet as force is the criterion of the State and not its essence If it becomes the essence of the State, the State will last so long as force can last. Indiscriminate use of force has always been the former of revolutions, overthrowing governments which rest on force. Since the State is a permanent institution, only moral force can be its permanent foundation.

2. ***T.H. Green*** has aptly said that it is not coercive power as such but coercive power exercised according to law, written or unwritten, for maintenance of the existing rights from external or internal invasions, that makes a State might with rights is as lasting as human minds on which it depends.

3. Moreover, the Theory of Force unduly emphasizes the principle of the survival of the fittest. It means that might is right and those who are physically weak should go to the wall. It is dangerous to employ such a principle in the internal existence of the State Might without right is antagonistic to individual liberty. The State is duly bound to protect equally the weak and the strong and create equal opportunities for all. Externally if might

is the supreme right, and the dispute as to what is right is decided by the arbitrages of war, there can be no international peace. Every State will be at perpetual War with the rest. This is a condition of chaos, pure and simple, endangering the peace and security of the world. The attention and efforts of every State will be directed towards war preparedness and to win the war, if it comes. War, which is an alias for murder, glorifies brute force, suppressing the moral forces. This is the mean self of man and not his real self.

5. Write down the Patriarchal and Matriarchal theory of the origin of the State. Discuss different criticisms levelled against this theory.

Family is the foremost constituent of society as it is the oldest of all human institutions and playing important role in the evolution of state. ***Aristotle*** says, "the state is the natural expansion of the family". According to ***Leacock*** "First, the house hold, then patriarchal family, then, the tribe or persons of kindred decent and family nation – so emerged the social series created on this basis".

Patriarchal Theory as the Origin of State

The principal exponent of this theory is ***Sir Henry Maine***. According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family. The head or father of the patriarchal family wielded great power and influence upon the other members of the family. His writ was carried out in the household. This patriarchal family was the most ancient organised social institution in the primitive society.

Through the process of marriage, the families began to expand and they gave birth to gen which stands for a household. Several gens made one clan. A group of clans constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors formed one commonwealth which is called the state.

*Sir Henry Maine'*s analysis of the growth of the state is- "The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the gens or the houses. The aggregation of houses makes the tribe. The aggregation of the tribes constitutes the commonwealth."

The male child carried on the population though marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

Another important supporter of this theory was ***Aristotle.*** According to him- "Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit."

As for documentary evidence in support of this theory, there were twelve tribes who formed the Jewish nation as we gather from the Bible. In Rome, we are told that the patriarch of three families that made one unit exercised unlimited authority over the other members.

The following important points may be noted in Maine's Patriarchal theory.

a. In the Patriarchal family the element of paternity was the chief fact.

b. Descent was traced not only through males and from the same ancestor. None of the descendants of a female was included in the primitive notion of family relationship. Kinship was accordingly, purely negative.

c. Permanent marriage was the rule whether monogamy or polygamy.

d. The Head of the family was the basis of all authority, and his power was unqualified over his children and their houses and other relations of all descendants. Howsoever numerous.

e. He controlled not only the business affairs of the group which he headed but its religion and its conduct.

The family was the primal unit of political society, 'the seed led of all larger growths of governments, 'as ***Woodrow Wilson*** calls it. The single family had developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common ancestors, they associated in a wider common fellowship group, the gens, owing allegiance to some elected elder – perhaps the oldest living ascendant or the most capable. Similarly, the gens broadened into the tribe. The pastoral pursuits gave way to agriculture and settled life on a definite land became a matter of necessity; land tribes united to form the state.

In support of his statement, Sir Henry Maine cited the patriarchs of the Old Testament 'families' and 'brotherhood' of Athens, the patria protestors in Rome and the Hindu Joint family system in India.

Criticism of Patriarchal Theory

The patriarchal theory as the origin of the state is subjected to the following criticisms:

A. In the first place, the origin of the state is due to several factors like family, religion, force, political necessity, etc. So, by identifying the origin of the state with family, one makes the same fallacy as taking one cause instead of several causes. To say in the words of ***J. C. Frazer***- "Human society is built up by a complexity of causes."

B. In the second place, the theory is incorrect, because in the opinion of several critics the primary social unit was a matriarchal family rather than a patriarchal family. According to ***McLennan, Morgan and Edward Jenks*** who are staunch supporters of the theory, the matriarchal family and polyandry were the basis of the state. The kinship through the female line in primitive society was responsible for the growth of the state. The process was that polyandry resulted into matriarchal society and the matriarchal society led to the state.

C. In the third place, the patriarchal theory is built on the wrong premise that the patriarchal family was the origin of the state. Edward Jenks suggested the correct theory that tribe rather than family was the beginning of the state, on the basis of his studies in Australia and Malaya Archipelago.

D. In the fourth place, ***Sir Henry Maine*** over simplified the origin of the state by attribution to the family alone. It is because of this over simplicity that the theory has to be rejected as untenable. The authority of the father over the children is only temporary, because his authority ends when the children grow in age. But the authority of the state over the population is perpetual.

Matriarchal Theory as the Origin of State

The chief exponents of the matriarchal theory are ***Morgan, MacLennan*** **and** ***Edward Jenks.*** According to them, there was never any patriarchal family in the primitive society and that the patriarchal family came into existence only when the institution of permanent marriage was in vogue.

But among the primitive society, instead of permanent marriage there was a sort of sex anarchy. Under that condition, the mother rather than the father was the head of the family. The kinship was established through the mother.

Edward Jenks who made a thorough study of the tribes of Australia came to the conclusion that the Australian tribes were organised in some sort of tribes known as totem groups. Their affinity was not on the basis of blood relationship but through some symbols like tree or animal. One totem group of men were to marry all the women of another totem group. This would lead to polyandry and polygamy also.

This matriarchal system continued until the advent of the pastoral age when the permanent marriage was introduced. We find the existence of the Queen ruling over in Malabar and the princesses ruling over the Maratha countries. These are examples of the matriarchal systems of life.

Criticism of Matriarchal Theory

A. **History does not prove its universality:**

History does not prove adequately the universality of such families among the primitive people. Both the types of family, i.e., patriarchal and matriarchal prevailed simultaneously.

B. **State came into existence as a result of various factors:**

It is difficult to conclude that the state developed out of the primitive family. Other forces and elements besides patriarchal and matriarchal relations also played their role in the evolution of political organization. Thus, both the patriarchal and the matriarchal theories undertake to perform too huge a task. They try to probe into the origin of human society.

C. **Theory explains the origin of the family rather than the State:**

Both the theories try to explain the origin of the family, rather than of the state. It is wrong to assume that the state is the family writ large. The state and the family are, as a matter of fact, quite distinct. They are, in the words of ***Garner***, quite different "in essence, organization, functions and purpose".

D. **Incorrect to regard matriarchal society as oldest form of Social Organization:**

It is wrong to assert that matriarchal family was the original social unit. Both types of a family existed side by side but mostly there was patriarchal society in the world.

Both these theories explain the contribution of blood relations in the development of state, because state is considered to be the expanded form of families. Both these theories have established the importance of feelings of obedience and discipline.

Chapter-5- Sovereignty

1.Write down the meaning of Sovereignty.

The term "Sovereignty" has been derived from the Latin word "Superanus" which means supreme or paramount [chief or most important]. It means the supremacy of the will of the State, as expressed by its law's overall individuals and associations and independence against all foreign control and intervention.

Sovereignty, in political science and governing aspect, means the supreme or ultimate authority, in the decision-making process of a State, exercising power and control over a body politic and in the maintenance of order and free external intervention.

According to ***Jean Border***, "Sovereignty is the supreme power of the State over citizens and subjects unrestrained by law".

According to ***Grotious*****,** "Sovereignty is the supreme political power vested in the States whose acts are not subject to any other and whose 'will' cannot be over-ridden".

Sovereignty is the most essential and unique feature of a State as it is an ultimate and supreme law and policy making authority of a State. One can say that it is the "Soul of State". It is that element of a State that distinguishes a State from other associations. nobody can a form a State, unless they are sovereign in nature. In the 15th Century, the terms "Sovereign" and "Sovereignty" were first used by the French jurists and later they found their way into English, Italian and German political literature. The use of the term "Sovereignty in Political Science dates back to the publication of ***Jean Bodin's*** book, "The Republic" in 1576.

2. Discuss the essential attributes of sovereignty.

The concept of sovereignty is characterized by several major attributes that make it unique:

- **Absoluteness:**

  Sovereignty is absolute and unquestionable. It is the ultimate authority within a territory and is not subject to the control of another entity. It represents the highest form of

authority within a given territory or political entity. It means that the sovereign entity has the ultimate power to make and enforce laws, govern its people, and control its resources without interference from external entities.

- **Permanence:**

  Sovereignty is a permanent aspect of a state. As long as the state exists, so does its sovereignty. It is not easily revoked or altered, except through significant political changes like secession, integration, or external intervention. The permanence of sovereignty reflects the enduring nature of a state's authority and independence.

- **Inalienability:**

  Sovereignty cannot be surrendered or transferred willingly by the state. It is inherent to the state's existence. It signifies the essence of self-governance and self-determination. A state cannot voluntarily give up its sovereignty, as it is an essential attribute that defines its status as an independent political entity.

- **Comprehensiveness:**

  Sovereignty applies to all individuals and institutions within the territory of the state. No person or organization is above or beyond the reach of sovereign authority. It encompasses both the government and the governed. No person or organization is above or beyond the reach of sovereign authority. The state exercises its sovereignty over its entire population and has the power to enforce its laws and regulations uniformly.

- **Exclusiveness:**

  The sovereignty of a state is exclusive within its territorial limits. No other state can exercise its sovereignty within this territory. It means that no other state can exercise its sovereignty within the territory of another state without its consent. Each state has exclusive control and authority over its internal and external affairs, ensuring that its sovereignty is not infringed upon by external entities.

3. Discuss the difference between legal and political sovereignty.

Legal sovereignty	Political sovereignty
Law making authority is in legal terms	It lies behind the legal sovereign, it cannot issue commands in the form of laws
Legal sovereign is vested upon a person or a group of people.	Political sovereign is vested upon the electorate or the common people.
Legal sovereign is definite, organized, precise and known to law.	Political sovereign is indefinite, unorganized, vague and unknown to law.
This is recognized by lawyers and court. It has a legal status.	This is not recognized by lawyers and court.
It cannot go against the will of the political sovereign.	The will of the political sovereign has an upper hand in real life.
Legal sovereign is elected by political sovereign.	It is identified with the public opinion, common mass and community.

4. Write down the Austin's theory of sovereignty. Discuss different criticisms levelled against this theory.

The classical theory of sovereignty, started from ***Jean Bodin*** and developed till the concepts of ***John Austin*** and it took a formal shape. According to this theory, the sovereignty of the State is of a legal character. It considers sovereignty as absolute, universal, inalienable, and indivisible. This theory became dominant in the nineteenth century due to the efforts of (its main pre-ponders/ advocates), ***Jean Bodin, Hobbes, Rousseau, Bentham, Austin*** **and** ***Treitschke.***

But, ***John Austin***, an English Jurist, was called as the "Father of Monistic Theory" and was influenced by ***Thomas Hobbes*** **and** ***Jeremy Bentham. John Austin*** discussed this theory in his book, "Lectures on Jurisprudence (1832)", in the basis of his idea on positive law. In other words, *Austin* rejected the concept of natural law and stated that strong changes cannot be brought in any country through natural law. So, his main aim was to design a coherent system

of law and for which, he separated law from morals, ethics, religion and other social norms. He defined law as a command given by superior to an inferior. According to *Austin*, law is binding on the people because of the superior's power to impose punishment on them. It is the duty of the people to obey the command of the sovereign.

After defining law, *Austin* classified laws into two categories, (a) Positive Law and (b) Positive Morality.

(a) Positive Laws: These are those laws constituted by command of political superiors, for the people of the State. The positive law is characterised by four elements command, sanction, duty and sovereignty.

(b) Positive Morality: On the other hand, these are those laws which are not set or framed, directly or indirectly by a political superior. This category is framed keeping in mind, customs, rituals, laws of fashion and of honour, laws of natural science and doesn't include the command of any political sovereign. It is also known as "International Law."

THE MAIN POINTS OF JOHN AUTSIN'S THEORY OF SOVEREIGNTY:

1. In every independent political community, there are some persons or a body of persons who exercise sovereign power.
2. This determinate authority is the source of the supreme and he exercises it.
3. The sovereign is a determinate body or a body of persons. This determinate authority is the source of the supreme and he exercises it.
4. The will of the determinate human is supreme and is not subject to any kind of control. Therefore, he does not obey any other authority.
5. The sovereign must receive habitual obedience from the bulk of the community. The obedience must be a matter of habit and not mere occasional.
6. The command of the determinate human superior is the essence of law.
7. Sovereign power is indivisible. The division of sovereignty is its destruction.

CRITICAL EVALUATION OF THE MONISTIC / AUSTIN'S THEORY OF SOVEREIGNTY

1. ***Austin*** has defined law as a command lined by the political superior. But the critics are of the view that all laws are not necessarily in the nature of commands and all commands cannot be considered as law. For example, the law that gives people the right to vote is not a command. Moreover, no sovereign can receive habitual obedience from the bulk of the society unless its laws, in the opinion of the citizens, promote common interest.

2. Pluralists criticise this theory on the ground that society is federal and plural rather than monistic. State is only one out of many associations in society. There are numerous associations and groups in society established independently of the state.
3. The monistic theory defines sovereignty as indivisible. But in every state, whether it is democratic or not, we see division of functions among various organs of government to ensure efficiency of administration.

4. Austin is of the view that sovereign is the supreme law maker and whatever he commands becomes law. But all laws do not emanate from determinate superior. There are some customary laws that are not derived from the command of the sovereign, but have been evolved over a long period of time.

5.What do you mean by the Pluralistic Theory of Sovereignty?

Pluralism, in political science, means that apart from the State, there is the existence of many groups and associations in a society and are very important for the overall welfare of human beings. Pluralists says that monistic theory is defective as for monists, all non-political associations, created by the state are dependent for their existence upon the will of the State and as exercise powers conceded by the State, but Pluralists believe that associations arise naturally and spontaneously and in their peculiar spheres, act independently of state control.

Pluralist ideas can be traced back to early liberal political philosophy, and notably to the ideas of ***John Locke and Montesquieu***. Their first systematic development, however, was in the contribution of ***James Madison*** to the "The Federalist Papers," in which he divided the system of government on the basis of the separation of powers in order to provide minority interests with a guaranteed political voice.

Whereas the monistic theory is associated with the legal aspects of sovereignty, the pluralist theory emphasizes on the sociological character of the state. Though, pluralists argued that the state may be a powerful and dominant institution, but other associations in the society are too important like family and church, which have been in existence prior to the origin of the state itself and are equally important for the well-being of the human beings.

CRITICAL EVALUATION OF THE PLURALISTIC THEORY OF SOVEREIGNTY

1. This theory give rise to the concept of anarchism. Anarchism is an ideology that is defined by the central belief that political authority in all its form, and especially in the form of the state, is both evil and unnecessary. Anarchy literally means 'without rule.'
2. The pluralists forget that the state is a unifying force, which cannot be challenged by others. In order to avoid social conflict, unified power must be given to the state.
3. The pluralistic theory of sovereignty implies superiority of the interests of the dominant group over those of the vulnerable sections of the society.
4. This theory equates power of the state with other associations and puts them in the same category. But the reality is that, it is in the interest of associations that more power is vested in the state.
5. Division of sovereignty among different associations is impossible, also improper as it leads to destruction of sovereignty.

6. Distinguish between De-Jure and De-Facto Sovereignty

The difference between De Facto and De Jure is shown below-

1. Meaning

The ‘de facto’ recognition is referred to as the recognition that is based on ‘a fact’ The ‘De Jure’ recognition is referred to as the recognition that is only based on ‘law’.

2. Acknowledgement

The acknowledgements that are put forward by de facto are genuine but not mentioned in the law but the acknowledgement that are put forward by de jure are done after following a proper procedure by the law.

3. **State succession rules**

State succession rules cannot be applied de facto. State succession rules are applied under De Jure.

4. **Nature of endurance**

De facto are temporary or provisional rules or identification or laws which are temporary and can be withdrawn easily however De jure are legal recognition and permanent recognition that are fixed or permanent and cannot be withdrawn.

5. **Governments**

There will be two opposing governments present when the state accepts de facto recognition but there is only one government present when the state takes De Jure recognition.

6. **Public debt or state assets**

By de facto government, public debt or state assets cannot be recovered whereas by de jure government, public debt or state assets can be recovered.

7. **Exchange of diplomatic representatives**

In de facto recognition the exchange of diplomatic representatives is not possible but in de jure recognition the exchange of diplomatic representatives is possible.

8. **Membership of UN**

The de facto government cannot get membership in the United Nations even if most of the people or the majority of the states have recognized that de facto government however the de jure government can get membership in the United Nations when most of the people or the majority of the states have recognized that de jure government.

For example – When one is taking a house for rent it is the de facto recognition, because anytime the landlord of the house can come to withdraw the person who is giving rent and staying in that house whereas when one is owning a house and staying there it is a de jure recognition, because it is permanent and no one can ask him to leave the land or the house.

Chapter-6- Liberty and Equality

1. Write down the meaning and nature of Liberty.

The term 'liberty' is derived from the Latin word 'Liber' which means free from all shackles or bonds. The liberal writers use the terms 'Liberty' and 'freedom' synonymously. The Greeks and the Romans differentiated the freedom from the slaves and the non-citizens prior to the pre-modern era. Due to his right to take part in the public affairs and shape its outcome a freeman enjoyed certain rights and privileges. During the feudalist control rarely gave the individual rights or freedom. The notion of liberty, as a political right, gained momentum in Europe with the beginning of the Renaissance movement and industrial. Revolution during the seventeenth century. The concept of liberty paved the way for the establishment of capitalism against the forces of feudalism.

According to ***Hobbes*****,** in an ideal sense, Liberty means a 'Licence' or a condition to do what you like. In an acceptable sense however, the term liberty means a man's right to do what is worth doing. Social life is bound by norms and principles that make the society liveable and civilised. The distinction between right and wrong, moral and immoral, legal and illegal is marked by a set of restraints. Thus viewed, liberty is the right of a person to do what is required by him or her for the best possible development of his personality by following a course that is morally as well as legally right. Liberty is thus a relative concept and is bound by restraints of legality and morality.

According to ***Seeley***, "Liberty is the opposite over government." Whereas according to ***Hobbes***, "Liberty consists in absence of restraints."

Nature of Liberty:

After thorough study the political scientists have found out several features of liberty or freedom. Some of them are-

1. Freedom to do means the freedom to choose among the alternatives which again means the freedom of conscience. This is an important characteristic of liberty. Whenever an individual intends to do something, he is supposed to be guided by his conscience. The conscience is the force that guides the individual. But ***Raphael*** says that conscience is not always the force that guides the individual for action. There may be other forces.

2. ***Laski*** calls liberty an atmosphere. In the atmosphere, the individual will be permitted to perform such activities that will facilitate the development of the best qualities a man possesses. We can say that freedom is a material condition of social life.

3. Freedom is understood as voluntary and un-coerced action. Behind every action there shall exist spontaneity. When man is forced to do a work that will lead to the loss of liberty. We can say liberty and coercion are antithetical terms. This, however, is not always correct. Sometimes a man is forced to act accordingly to make way for the exercise of freedom to others. If a person creates obstacles, authority removes them by force

4. ***Norman Barry*** pointed out another feature of liberty. He suggests to draw distinction between "feeling free" and "being free". According to Barry the following is the distinction. Feeling free is a state of contentment and "being free" is a state in which major impediments to making choices have been removed. In his opinion liberty (Barry uses both liberty and freedom interchangeably) includes both meanings.

   The distinction may be illustrated in the following way. A convict may commit a crime deliberately in order to go to prison for security reasons. Here the condition of "feeling free" appears, but not the "being free". He says that "being free" and "being able" are two terms different from each other. When there are no physical impediments, a man may undertake any work but his ability does not allow him to shoulder the burden of doing the work. So here we find that a person is free to do the work but he is not able to do it, and mainly for that reason his ability and freedom stand apart.

5. A plausible distinction can be drawn between political liberty and other types of liberty. In a democratic state political liberty is especially stressed. Participation in all affairs of the state is encouraged. But the same individuals are confronted with dissimilar situation in social and cultural fields. In less advanced societies (these may be or are democratic) numerous superstitions inhibit the free lives of the individuals.

   They are not always free to select their religious ways or to practice any belief or faith: on the contrary, in many autocratic states political liberty is very limited but religious or other liberties do exist- Our viewpoint is that for a proper analysis of the concept of freedom all forms of liberty are not to be mixed or confused. In other words, various types of liberty shall carry our identity.

6. Liberty is a very comprehensive idea and it changes with the change of time and other things such as outlook, physical conditions, attitude etc. By liberty one need not mean only political or any other' particular type of liberty. The objective of liberty is quite ambitious—to make feasible the development of good qualities of man and for that purpose all types of liberty may be required and, in this sense, it is comprehensive in nature.

Liberty is, again, a dynamic concept. If attitude and outlook of individuals are changed the sphere or extent of liberty must also change.

2. Discuss the different kinds of Liberty.

The concept of Natural liberty indicates unrestrained freedom to do whatever one likes.

Two Phases of Liberty-

- **Positive liberty**: Positive liberty mean freedom to do something that the individual should have rights and opportunities to develop his personality.
- **Negative Liberty**: For ***J.S. Mill*** liberty means Negative liberty He submitted that there should not be any restraint imposed upon man and his actions. He also asserted that there should not be any hindrance in the path of man.

1. Natural Liberty

The concept of Natural liberty indicates unrestrained freedom to do whatever one likes. Natural liberty means the absence of all restraint –an unrestrained freedom to do whatever one likes.

"Everyone has a vague notion of liberty of some kind and a desire for it, but among ten people using the word, perhaps no two will be able to say exactly what they mean, or if they do so say it, win agree with each other in their definitions. This general unscientific use of the word we may call Natural Liberty."

-Professor R.N. Gilchrist.

Arguments On Liberty

John Locke: In the state of Nature people enjoyed the rights to life, liberty and property.

Critic: It is absolutely incorrect because it is only the state that guarantees the enjoyment of these rights. In the state of nature, people possessed not rights, but the power of animals.

***Rousseau*:** "Man was born free, but everywhere he is in chains"

Critic: Rousseau does not appear sound because there is no scope for the growth of human personality. According to social contractualist, liberty looks more like a license than a liberty. If he is allowed to do whatever he likes, there will be only chaos in the society.

2. Civil Liberty

The concept of civil liberty reflects "Rule of law" civil liberty indicates the liberty man enjoyed in the society it prevails in the state. It denotes the enjoyment of our rights within the limits of law. The protection of civil liberty is guaranteed by the laws of the state.

3. Political Liberty

The concept of political liberty means liberty of citizen to participate in the political life and the affairs of the state***. Leacock*** calls political liberty as constitutional liberty and ***Gilchrist*** consider political liberty as a concept synonymous with democracy. Political liberty includes minimum rights. These rights are the right to vote, the right to contest elections, the right to hold public views and criticize the government and right to petitions.

4. Personal Liberty

The concept of personal liberty means the availability of those conditions in which the individual can act as he pleases without being under any type of arbitrary and illegitimate restraint. It also means that every individual has the right not to permit any other individual to interfere in the affairs of his personal life. Every individual should have the liberty to dress, food, standard of living, marriage and education of children etc. The state should not interfere in the personal matters of the individual such liberty is essential for the free development of human society.

5. Economic Liberty

The concept of economic liberty means the liberty to earn one's daily bread. Beyond the distinction of caste, colour, creed and gender every individual should have liberty to earn his daily bread by fair means.

"By economic liberty I mean security and the opportunity to find reasonable significance in the earning of one's daily bread I must be free from the constant fear of unemployment and insufficiency which perhaps more than other inadequacies', sap the whole strength of personality. I must be safeguarded against the wants of tomorrow" **– *Harold. Laski.***

6. Fiscal Liberty

According to this principle; there should be no taxation without representation. It was the slogan given by middle classes who claimed that they should be allowed to decide as to how and on whom their money was to be spent. Both civil and fiscal liberty were related to property and the rights of their owners. It was felt by the middle classes that without fiscal and civil liberty they would not be able to exist and be exploited by arbitrary rulers.

7. Domestic Liberty

It covers equal right for women and children. They need to be protected against maltreatment, cruelty and exploitation. They were also having the right to education.

8. National Liberty:

It means the liberty of the nation or the country. National liberties exist where the nation or the community is independence and sovereign. National liberty can otherwise also called as National sovereignty. Every nation wishes to stay independent and without this independence the progress of the nation or the state is not possible. Liberation remains an ultimate slogan for all those nations enslaved by imperialistic forces. Nations colonialized by imperialist force struggled against foreign empire until freedom is restored.

The struggle of Italy against Austria, England against Hitler and Napoleon struggle of African counties against imperialist forces and Indians struggle against England are few examples where struggle was made ultimately for restoring the liberty of the Nation. When India was attacked by China in 1962, and by Pakistan in 1965 and 1971 the Government of India made all efforts to safeguard the freedom of nation.

'Liberty does not descend upon a person. People must raise themselves to liberty. Liberty is a blessing that must be earned in order to be enjoyed' engraved on the building of central secretariat New Delhi.

9. International Liberty

This concept implies peace and international cooperation and the formation of world federation of states. Liberals were opposed to the use of force as an instrument of national policy. Capitalism needed peace and international cooperation for the free flow of goods from one country to another and they needed all political and other barriers to be removed that stood in the way of the development of world resources.

3. Write down the meaning of liberty and equality.

Liberty and Equality are closely related to each other. There is no value of liberty in the absence of equality. They are the same conditions viewed from different angles. Liberty is the freedom to act without being oppressed or restricted, while equality is the idea that all people should have equal rights, opportunities, and limitations

Liberty means the absence of restraints on an individual's activities and, at the same time, providing opportunities for the development of the personality of the individual. As it is mentioned in the Preamble of the Indian Constitution, liberty is very essential for the successful functioning of the Indian democratic system. However, liberty doesn't entitle an individual to do whatever s/he wants to; it comes with certain limitations, as mentioned in the Indian Constitution. In the context of politics, liberty means the opportunity to develop oneself fully.

Liberty means our capacity to make moral decisions, to weigh our options rationally, and to accept responsibility for our actions. Democracy and the idea of liberty go hand in hand. For a free and civilised existence, there are certain fundamental rights that must be enjoyed by all the citizens of a community. These fundamental rights are in the form of freedom of thought, expression, belief, faith, and worship, as mentioned in the Preamble.

Liberty in the Indian context

The ideals of liberty, equality, and fraternity are taken from the French Revolution. Our Constitution believes in freedom in various forms: social, civil, and political, as mentioned in the fundamental rights of our Constitution under Part III. Liberty of thought and expression as enshrined in Article 19 The right to life and personal liberty are guaranteed by Article 21, both of which are fundamental rights.

But liberty does not mean freedom to do anything; a person can do anything, but within the limits set by the law. Anything that has the potential to cause public unrest is not considered a liberty. The Constitution sets certain boundaries in order to prevent harm in the name of liberty.

Equality means the same treatment of all people within a society. It is a fundamental concept in politics, and its definition can vary depending on context. Ultimately, though, equality involves ensuring that every person is treated equally under the law and that everyone has an equal chance of achieving their full potential in life.

Equality is the state of being equal or having an equal amount. The concept of equality can be applied to many different areas of life, including economic status and opportunity, political rights and freedoms, education access and outcomes, employment opportunities, gender and race relations and other social barriers. Generally speaking, society is considered more equitable when citizens have an equal opportunity to succeed in life.

Right to Equality

Equality is a fundamental principle of the Constitution that has been enshrined as a Directive Principle of State Policy under Part IV and as a Fundamental Right under Part III of the Constitution. It has been one of the most valued goals in India's democratic framework.

The Constitution provides equality to all individuals irrespective of caste, colour, creed or religion. The term 'equality' is used in different contexts, and its meaning differs from place to place and from time to time. In the context of the Indian Constitution, it means equal opportunity for all citizens and equal treatment for all under the law.

The following kinds of equality are highlighted in the Indian Constitution:

- Equality before law
- Equal protection of the law
- Equality within the territorial jurisdiction
- Equality in public employment
- Right against discrimination on grounds only of religion, race, caste, sex or place of birth
- Right to equality in matters relating to taxations
- Equality of opportunity
- Protection against hostile discrimination in public places such as hotels, restaurants, etc., based on religion, race, caste, sex or place of birth
- Freedom from arrests and detention under certain cases (as per Article 22)

Some say that liberty and equality are compatible if liberty includes protections for the economically weak and control of economic life that's responsive to the will of all. Others,

known as libertarians, suggest that liberty and equality are incompatible and that liberty should be prioritized over equality.

The rule of law is based on finding a balance between liberty and equality.

4. Discuss the relationship between liberty and equality.

There is a close relationship between liberty and equality. We cannot even think of one without the other. To know the relationship between the two, one must know the correct meaning of both these terms.

- Meaning of Liberty- Liberty does not mean the absence of restraints. Liberty is a congenial atmosphere which is necessary for the development of a man's personality. But a man living in the society cannot be given liberty to do anything that is against social or state interests.
- Meaning of Equality- Equality means the absence of special rights and equal chances to everyone for his development. ***Prof. Laski*** has aptly said that equality means there should be no class with special rights and everybody should get equal opportunities to develop.

RELATIONS BETWEEN LIBERTY AND EQUALITY

Different writers have given different views about the relationship between liberty and equality. According to some thinkers, liberty and equality are opposite to each other and ***Hogg, Hayek, Friedman, Acton, Tocqueville, Begehot***, May etc are of this view. Other Philosophers like ***Harrington, Maitland, Hume, Godwin, Rousseau, Arnold, Tawney, Polland, Barker*** etc. are of the opinion that liberty and equality are not opposite, rather complementary to each other.

Below we discuss both these views in detail:

LIBERTY AND EQUALITY ARE OPPOSITE TO EACH OTHER-

Some intellectuals are of the opinion that liberty and equality are opposed to each other. When we try to establish liberty, equality gets lost. We try to bring an able and disable person on the same level which results in withdrawing liberty of an able person. According to the views of ***Lord Acton***, "The passion for equality has made vain the hope of liberty." The writers who are in favour of this view give the following points to support their argument:

1. **Nature has not created all men Equal-**

   Some Intellectuals think that inequalities in society are the gift of nature because nature has not created all men equal. Some people are intelligent others dull, some are beautiful others are ugly. These inequalities are not the creation of men but are natural. Against the natural principle, we try to bring equality by means of force. In this way, we work against the law of nature.

2. **Economic Freedom and Equality are Opposite-**

   Individualists are of the opinion that there should be free competition and free trade in economic sphere. This will help every citizen to progress in all spheres. But whenever we try to establish economic equality, it becomes hindrance in the way of economic liberty. This results in limiting economic liberty of human beings.

3. **Competent individuals fail to show their Competency-**

   When we give equal rights and opportunities to all then competent individuals fail to show their competency. For example, in democracy, all persons, good or bad are given equal political rights and it is difficult to differentiate between good and bad person.

4. **Principle of equal Freedom is Wrong-**

   To keep all men on the same level and treat them equally is not only wrong but immoral also because all men are not equal. To give equal status to intelligent, dull, educated, uneducated is basically wrong. To treat a doctor, an engineer, professor, labourer and unemployed equally is injustice.

We can conclude from above points that there is no relationship between equality and liberty but they are opposed to each other.

LIBERTY AND EQUALITY ARE NOT OPPOSITE TO EACH OTHER-

Some intellectuals are of the opinion that equality and liberty are not opposite to each other rather, they are complementary and critics who think that liberty and equality are opposite, they do not know the real meaning of these terms. According to ***Prof. Pollard***, "There is only one solution of liberty, it lies in equality." Similarly in the words of ***Prof. R.H.Tawny,*** "A large measure of equality so far from being inimical to liberty is essential to it."

If we take the correct meanings of these terms, then there is no opposition between liberty and equality. ***Prof. Laski*** thinks, "De Tocqueville and Lord Acton misunderstood the meanings of the term equality when they said that liberty and equality cannot exist together." If we keep the following points in our mind, we cannot see the opposition between equality and liberty.

1. **Purpose of both is Same**- The main aim of liberty and equality is to create an atmosphere in which man can develop his over all personality. When the purpose is same, then how there can be opposition? According to ***Dr. Asirvatham***, "The French Revolutionaries were neither mad nor stupid when they made liberty, equality and fraternity their war cry."

2. **For the enjoyment of freedom, equality is Needed**- In the absence of equality, liberty cannot be enjoyed. We cannot think that a poor and a rich man can enjoy liberty equally. This is next to impossible. The only way to enjoy liberty is to create equality first. ***Pollard*** has rightly said, "There is only one solution of liberty, it lies in equality."

3. **For civil liberty, equality before law Is a Must**- Civil liberty is one which one enjoys by being the member of the state and this liberty one can enjoy only when there are provisions of equality before law. If this is not there, the civil liberty becomes meaningless.

4. **For Political Freedom, equal opportunities are Needed**- Political liberty means man should be given equal chances to participate in the affairs of the state. If it is not like this then political liberty becomes meaningless. Today a poor man cannot enjoy that much liberty as a rich man enjoys. Therefore, equality is necessary in every sphere.

5. **Liberty and Equality are pillars of Democracy**- Liberty and equality, both are pillars of democracy. If there is only liberty and not equality, or vice-versa, then democracy will be meaningless. This shows that there is close relationship between equality and liberty.

6. Both have developed Side by Side after reading the history of equality and liberty, we come to know that man struggled for both, equality and liberty simultaneously. The Revolutionaries of France, demanded equality and liberty simultaneously because they were conscious that one is meaningless without the other.

After reading two diverse opinions regarding the relationship between liberty and equality, we come to the conclusion that equality and liberty are not opposed to each other rather, they are

complementary of each other. Those who treat them opposite do not know the real meaning of both. If we read the positive meaning then equality and liberty are closely related to each other.

5. Define liberty and explain the concepts of negative and positive liberty.

Liberty stems from the Latin term 'libertas', signifying the condition of a free person. In simple terms, it refers to the ability of an individual to act according to their will, confined only by societal boundaries. It encompasses the freedom to partake in diverse activities without unnecessary restrictions.

Positive Liberty: Empowering Self-Mastery

One of the great thinkers of the Enlightenment era, ***Jean Jacques Rousseau***, pointed out that Liberty is not just about the absence of constraints but also about the ability to act in one's own best interests. This perspective captures the essence of Positive Liberty. It's about possessing the capacity and resources to shape one's own destiny. In the words of philosopher ***Immanuel Kant,*** it's about achieving autonomy, or 'self-legislation'.

Positive liberty proponents aim to expand this sphere of self-determined activity as much as possible. For instance, its definition of restrictions to action includes internal restraints as well. In the theory of positive liberty, democratic procedures of shared decision-making expand the area of self–determined activity. The focus is on making sure that one has a say in formulating all the regulations one lives under, rather than on leaving as much of one's life as possible unencumbered by laws. Since liberty is differentiated from licence and described as living under the ambit of self-made laws, the main focus is on making sure that one has a say in framing all of the legislation one lives under.

Jean-Jacques Rousseau

For example, Rousseau considered becoming a slave to one's impulses or desires as the polar opposite of freedom. Our needs are heterogamous; they arise as a result of our upbringing and/or the environment in which we live. Giving in to our aspirations, according to Rousseau, is fundamentally comparable to giving in to the wants of others. We must choose to satisfy our desires intentionally and logically, that is, those aspirations that we regard as truly our own and representative of our self. "The impulse of mere appetite is slavery, while obedience to a self-prescribed law is liberty", he writes in 'The Social Contract '.

As per Rousseau, the notion of liberty requires us to not only decide our own desires, but also to create the rules that govern our lives. Rousseau famously argued there's no other kind of governance that is consistent with liberty as much as democracy. How can we be claimed to be self-determined if we don't have a voice in the laws that govern our behaviour? This is Rousseau's idea of civic liberty, as opposed to moral liberty, which keeps us from becoming slaves to our cravings.

Rousseau viewed the laws created collaboratively by the populace when they keep the common interest at the forefront (by the general consent) as a method of each person having power over his or her wishes. Instead of a person's feeble will, these rules, in the making of which everyone takes part, make sure that one lives a life that one chooses. Whereas in Hobbes' scenario, the imposition of rules strengthened one's freedom by keeping others from meddling with one's actions, in Rousseau's perspectives, the imposition of collectively formed laws becomes a sort of freedom.

Immanuel Kant

Similar to that of Rousseau Kant argues – how could one's liberty be evinced in behaviours that are the result of raw environment acting through one, stimulating urges that one blindly accepts. To be considered free, one must determine or choose among one's preferences based on some reasonable concept that one has approved.

Thomas Hill Green

Green wrote in his 1881 essay "'Liberal Legislation and Freedom of Contract": "We shall probably all agree that freedom, rightly understood, is the greatest of blessings; that its attainment is the true end of all our effort as citizens. But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespectively of what it is we like. We do not mean a freedom that can be enjoyed by one man or one set of men as the cost of a loss of freedom to others. When we speak of freedom…we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we do or enjoy in common with others…the ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves…".

Negative Liberty: Freedom from External Interference

Negative Liberty, a concept refined by political philosopher ***Isaiah Berlin***, is more about freedom from external hindrances and constraints. It emphasizes an individual's right to non-interference from the state or other individuals. It echoes the philosophy of Thomas Hobbes, who argued for the freedom to do whatever one wants, without infringing upon the rights of others.

There have been many defences of this idea of Liberty, below are the three major proponents of the concept of negative liberty:

Isaiah Berlin

Isaiah Berlin's 'Two Concepts of Liberty,' initially published in 1958, is the fundamental explanation of negative liberty. Berlin termed "being free" as "Not being interfered with by others", "the wider the area of non-interference, the wider my freedom." This concept harkens back to Hobbes' depiction of liberty in the Leviathan, in which he defined liberty as the elimination of "external barriers ".

Thomas Hobbes

According to Hobbes, "a free man, is he, that in those things, which he by his strength and wit he is able to do, is not hindered to do what he has a will to". These impediments, according to Hobbes, comprised of sovereign laws enacted after the social contract had established civil society, because liberty was dependent on the "silence of the law". The lack of civil rules in nature should've just meant more autonomy for its inhabitants, but in its absence, each individual functioned as an external constraint to another's liberty of activity. The sovereign guaranteed that his subjects were safe from one another's meddling through his laws.

Hobbes differentiated between liberty and capacity when describing the concept of freedom: "But when the impediment of motion is in the constitution of the thing itself, we cannot say, it wants the Liberty, but the Power to move; as when a stone lies still, or a man is fastened to his bed by sickness". In the instance of humans, unable to fly due to the absence of wings is a straightforward example of a lack of capacity, not of being unfree. But when a man who is unable to buy something on which there is no lawful prohibition – a piece of bread, a round-the-world trip, given a social theory wherein poverty is the product of other people making arrangements whereby some men lack financial means while others have plenty, is the case

where the poor man should be defined as "unfree to purchase bread" rather than "unable to buy bread".

John Stuart Mill

John Stuart Mill, another renowned political philosopher and theorist in favour of "Negative Liberty" writes "…the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection…the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant…The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute." In his essay "On Liberty" in the year of 1859.

Mill contended that the concept of liberty forbade any intervention with one's self-regarding activity, despite the fact that there is a thin border separating self-regarding from other-regarding activity. Mill asserted that humanity really has no other rationale for meddling with the person's liberty unless it was to avoid 'direct material harm' to others.

6. Write a short note on Social Equality.

The concept of social equality came as a revolt against social inequalities. Countries where caste system was rigid, discriminations were done on basis of religion, colour, creed etc. The people of these countries revolted against these discriminations. Many social reformers also started many social reform movements to remove inequalities prevailing in the society. With the spread of education and democracy, the concept of equality gained momentum and discrimination on the basis of caste, colour creed etc. was abolished. In different Constitutions of the world, special provisions are made to eradicate social inequalities.

But in spite of this, social inequalities are still prevailing in few countries. Apartheid is still there in many countries and slogans like "Keep Britain White" and "Keep Africa Black" are raised. In South Africa, blacks are not given equal rights which are given to whites.

Before independence, untouchability was prevalent in our country, but after independence, untouchability was declared crime against humanity. According to Constitution, it is declared crime.

Characteristics of the Social Dimension of Equality-

Following are the characteristics of Social Equality:

1. **Absence of special privileges-**

   The principle of social equality considers every individual equal and essential part of society and prohibits all types of discriminations. Therefore, if any provision is made of special privileges for a particular section of society, this is the violation of social dimension of equality. No discrimination is made with anybody on the basis of his caste, religion, colour, creed etc.

2. **Prohibition of discrimination-**

   The main characteristics of the social equality is not to make any discrimination on the basis of caste, religion, colour, race etc. In many of the underdeveloped states, even today such discriminations are made with is against the principle of social equality.

3. **Free access to public places-**

   Public places like Bus stands, railway stations, hotels, roads, etc. should be property of all citizens and everybody should have free access to these. In case people belonging to a particular class or race are not allowed access to particular places, then it is negation of the principle of social equality.

4. **No discrimination based on Gender-**

   Discrimination on the basis of gender should be prohibited. Men and women should be provided equal status in every sphere of life; it may be work place or home or any other public place.

5. **Equality of opportunity in public employment-**

   Every citizen should be given equal opportunities in public employment. No discrimination should be made on the basis of caste, religion, class, colour etc.

6. **Provision of equal rights-**

   The principle of social equality demands that there should be equal rights for all and no discrimination should be made on the basis of caste, colour, creed, religion etc. For centuries discrimination was made with untouchables in India and with blacks in South

Africa and it was against Socialism equality. After independence all such provisions have been ended through Constitution and every citizen of India is provided the right to equality. The policy of apartheid has also been ended in South Africa.

7. **Provision of Protective Discrimination-**

Though discriminations are against the principle of social equality, yet in special circumstances, discriminations become essential as in India, special provisions have been made for the protection of the interest of Scheduled Castes and Scheduled Tribes. The purpose of these provisions is to stop inhuman treatment being done with these people and to provide them equal opportunities for development. Such discriminations are known as "Protective Discrimination."

But it should be kept in mind that the Scheduled Castes and tribes and backward classes which are given special rights will not come under the headings of special rights. Indian Constitution makes provisions to hive special rights to Scheduled Castes Scheduled Tribes and backward classes of the society.

Chapter-7- Rights

1. What do you mean by the term "Right"?

A right is essentially an entitlement or a justified claim. It denotes what we are entitled to as citizens, individuals, and human beings. It is something that we consider to be due to us; something that the rest of society must recognize as a legitimate claim that must be upheld.

Rights are the basic conditions of social life that are required for the development of individual personalities. Those conditions when recognized and protected by the state, become rights. It is the duty of the state to recognize those conditions, privileges, and opportunities that are necessary for the all-round development of individuals and for bringing a good life to society. Rights are enforced by the state. They have social as well as legal binding behind them.

The goal of a society is to create conditions conducive to a good life and to attain this goal, citizens must be provided abundant opportunities to develop their skills, talents, and proficiency. Rights provide the opportunities they need to reach their fullest potential.

Many political thinkers have defined the term "Right" vividly as follows:

- ***Barker*** – "are the external conditions necessary for the greatest possible development of the capacities of the personality."
- ***Laski*** – "Rights are those conditions of social life without which no man can seek, in general, to himself at his best."
- ***Bosanquet*** – "A right is a claim recognized by society and enforced by the state."
- ***Salmond*** – "A right is an interest recognized and protected by rules of right, that is, by legal rules."
- ***Green*** - "A right is a power Rights
- claimed and recognized as contributory to common good."
- ***Dr Bani Pasad –*** "Rights are nothing more and nothing less than those social conditions which are necessary or favourable to the development of personality."
- ***Ihering*** – "Rights are legally protected interests."

In simpler language, Rights are the claims of a citizen that society recognizes as necessary for his upliftment and the welfare of all, and is enforced by the state's power.

2. Discuss the Natural theory of Rights.

Introduction

The theory of natural rights is considered to be the oldest theory of rights. Natural rights are rights conferred on all people by nature or God, which no government or individual can deny or limit. According to the theory of Natural Rights, rights come from nature and are not created by any human agency. Rights are built on the law of nature, which is universally accepted. This theory is based on the idea that certain rights are inherent to all human beings simply by virtue of being human. These rights are not granted by any government or authority; instead, they exist independently and are considered universal, inalienable, and self-evident.

Features of Natural Rights

(a) Natural rights are inherent and universal.
(b) They are inalienable, i.e., they cannot be surrendered, transferred, or revoked.
(c) These rights existed before the formation of societies or governments.
(d) Their validity is natural and requires no elaboration or human enchantment.
(e) They are sanctioned not by the law of the State but by the moral consciousness of the community.

Types of Natural Rights

Natural rights are abundant but few to name are as follows:

(a) Right to life and security
(b) Right to equality
(c) Right to liberty and free movement
(d) Right to freedom of thought and expression
(e) Right to freedom of association
(f) Right to work
(g) Right to family life
(h) Right to worship
(i) Right to education
(j) Right to property

Proponents of the Theory of Natural Rights

(a) The concept of natural rights can be traced back to ancient Greek philosophers and Roman jurists who supported the idea that some rights are inherent to human nature.
(b) The theory of natural rights also influenced the French and American Revolutions. In the American Revolution, the Declaration of Independence (1776) emphasized that all men are entitled to life, liberty, and the pursuit of happiness. Similarly, the French Revolution (1789) led to the Declaration of the Rights of Man and of the Citizen, which asserted the importance of liberty, equality, security, and property.
(c) The theory of natural rights has been advocated mainly by ***Thomas Hobbes, John Locke, and J.J. Rousseau.*** These contractualist, after having provided the social contract theory, hold the view that there were natural rights possessed by men in the state of nature and that these rights were attributed to individuals as if they were the essential properties of men as men.
(d) ***Cierco*** says, "Civil law should conform to the law of nature that is universal, national, eternal and immutable."
(e) ***Giddings*** says that natural rights are socially necessary forms of rights, enforced by natural selection in the sphere of social relation.
(f) ***Thomas Paine*** says that the right to 'liberty, property, security and resistance to oppression' are based on natural rights.

(g) ***Herbert Spencer*** says that the process of evolution shows that all men have the fundamental right to equal freedom, which enables them to do what they want. Such rights come from nature and not from any human agency like the State.

(h) ***Harold Laski*** defined natural rights as freedom of expression, right to education, right to assemble, right to self-determination, and the right to a proper salary. He asserted that without these rights, the purpose of the state cannot be fulfilled.

Criticisms

(a) The theory of natural rights is very vague. The term "natural" is ambiguous and lacks a precise definition, making it difficult to agree on what constitutes natural rights.

(b) There is no universally accepted list of natural rights, leading to differing opinions on what rights are considered natural.

(c) It underestimates the role of the state in protecting rights, limiting its authority to intervene for social welfare.

(d) Natural rights can conflict with one another, as absolute liberty and absolute equality cannot coexist.

(e) The theory treats rights as static and permanent, ignoring the dynamic nature of society and the need for rights to evolve.

(f) It is believed that the natural rights are absolute in nature. But in actual practice, no right can be absolute.

(g) It is not correct to think that rights are independent of society. Natural rights cannot exist independently of society.

The theory of natural rights remains highly influential in shaping modern democratic principles and the concept of human rights. It plays a significant role in understanding individual liberties and moral obligations within society.

3. Discuss the Marxist theory of Rights.

Introduction

The Marxist theory of rights is deeply rooted in Marx's materialistic interpretation of history, emphasizing the interplay between rights and class relations. According to this perspective, rights emerge from specific historical circumstances, particularly because of class struggle in a class-divided society. Rights cannot be understood in isolation; they are shaped by the

economic systems and social conditions of their time. According to Marx, the class which controls the economic structure of society also controls political power and it uses this power to protect and promote its own interests rather than the interests of all.

Features of the Marxist Theory of Rights

(a) The rights enjoyed by citizens are those conditions of social life that the state recognizes and protects through its laws, which always respond to the wants of those who possess the necessary power to influence political authority.

(b) The laws tend to benefit those with economic power. In a slave society, they favoured slave owners; in a feudal society, they supported feudal lords; and in today's capitalist society, they serve the interests of the capitalist class. This way, laws help maintain conditions that benefit the dominant class in society.

(c) Laws do not seek general interests or the common good. The immediate source of rights is the law of the state, so rights are nothing but certain privileges safeguarded by law, in the interest of a particular class.

(d) According to Marxists, the idea of rights is closely connected to class relationships and class conflict. In a society divided by class, while rights may be offered to everyone, only the minority ruling class—those who control production and hold power in the state—actually benefits from these rights.

(e) The state creates and enforces laws to protect the interests of the ruling class, making only those laws and rights that meet the needs of those in power.

(f) Existing rights are the special privileges of the ruling class, and the ruling class makes and enforces laws by force to fulfil their own interests.

Types of Rights in Different Societies

(a) Rights in a Primitive Communal Society:

In the earliest stage of social evolution, there was collective ownership of production means. This society lacked private property, class division, and economic inequality. Consequently, everyone enjoyed equal rights without distinction between exploiter and exploited.

(b) Rights in a Slave Society:

In this stage, private property emerged, leading to class exploitation. The society divided into two classes: slave owners and slaves. The slave owners enjoyed all rights,

while slaves were treated as property and deprived of human rights. Laws served to protect the interests of slave owners.

(c) Rights in Feudal Society:

Feudal society comprised feudal lords and peasant serfs. The lords owned the means of production and exploited peasants for labour, who lived in conditions of servitude. While serfs were not personal property, they did not enjoy rights, and laws were enacted to maintain the feudal lords' supremacy.

(d) Rights in Capitalist Society:

In capitalist society, two distinct classes exist: the capitalist class and the proletariat. Capitalists' own production means and exploit workers for profit. Although workers may be granted certain rights (e.g., to life, equality, liberty, property), these rights serve to maintain the capitalist structure, reflecting social and political interests rather than genuine equality.

(e) Rights in Socialist Society:

In a socialist society, social ownership of production replaces private ownership, eliminating class exploitation. Everyone is regarded as a worker, with production focused on the common good. Economic rights take precedence, allowing individuals to enjoy social, political, and economic rights equitably. The state's authority aligns with the interests of the common people, fostering an environment where rights can be realized in their true sense.

<u>According to Marx, the following rights of working class are justifiable</u>

(a) Workers should receive fair wages for their labour without being exploited.
(b) The working class has the right to overthrow capitalist governments that suppress their movements using state force.
(c) After the downfall of capitalist governments, the working class has the right to establish a dictatorship of the proletariat to prevent the capitalist class from entering the state administration.
(d) The state should guarantee the right to work for all able-bodied individuals, with wages equal to their contributions.
(e) Workers should receive social welfare support from the state to ensure their right to live.
(f) Workers should have the right to claim essential needs.

Marxism emphasizes the need for a system that prioritizes the interests of the working class. It advocates for a society where rights are equitably distributed, ensuring that all individuals can live with dignity and fairness, free from exploitation.

7. Discuss in detail the classification of Rights.

The rights can broadly be classified into three categories:

Natural Rights

Natural rights are the basic rights that every person is born with and which cannot be taken away from him at any point in life. They are inherent and exist even before any society or state comes into being. These rights, such as the right to life, liberty, and property, are considered essential for the moral and ethical growth of individuals. These rights are natural, perpetual, indispensable, and unrestrained. These rights are natural in the sense that they are necessary for the moral or ethical development of man.

Moral Rights

Moral rights are based on the conscience and a shared sense of what is good and just within society. They are recognized by people's moral sense but not enforced by any legal authority. There is no legal protection or punishment for their violation. People follow these rights due to their social values and the influence of public opinion, like respecting elders or treating others with kindness. The state does not interfere with these rights. Violations of moral rights are socially condemned but are not punishable by law.

Legal Rights

Legal rights are rights that are granted and protected by the law of the state. They are defined, uniform, and apply equally to all citizens. Courts of law are responsible for upholding and protecting these rights. According ***to Leacock***, "A legal right is a privilege enjoyed by a citizen against his fellow citizens, granted by the sovereign power of the State and upheld by that power." The state cannot show any discrimination between citizens in the application of legal rights There are definite bodies to formulate and interpret legal rights. The violation of legal rights leads to punishment by the government.

The legal rights can further be classified into three kinds –

1. **Civil Rights –**

Civil rights are essential for the primary existence of man. They enable an individual to lead a civilized and social life. They are the protections and privileges of personal power and rights given to all citizens by law. They are the rights that are bestowed by the nation on its citizens who are within its territorial boundaries. These rights are essential for the furtherance of intellectual and moral qualities and the development of individual personality. Some of the civil rights are:

(a) Right to life
(b) Right to freedom of movement
(c) Right to freedom of speech and expression
(d) Right to freedom of religion
(e) Right to property
(f) Right to family life
(g) Right to association
(h) Right to contract
(i) Right to equality before the law
(j) Right to education
(k) Right to have judicial safeguards

2. **Political Rights –**

Political rights refer to an individual's ability to participate in the civil and political life of the society and state without fear of discrimination or repression and is tied closely to citizenship status. Aliens are denied political rights. Citizens alone enjoy these rights. Some of the important political rights are:

(a) Right to vote
(b) Right to get elected
(c) Right to petition or appeal
(d) Right to protection or security abroad
(e) Right to criticize the government
(f) Right to disobey the state
(g) Right to hold public office
(h) Right to discuss public policy
(i) Right to form political parties or join them

3. **Economic Rights –**

Economic rights are those rights that guarantee people's economic security. These enable all citizens to successfully exercise their civil and political rights. These rights relate to a man's vocation or his engagement in gainful employment to solve the problem of food, clothing, and shelter. Some of the important economic rights are:

(a) Right to work
(b) Right to adequate wages
(c) Right to reasonable hours of work
(d) Right of equal pay for equal work
(e) Right to rest and leisure
(f) Right to get maintenance in old age and case of infirmity
(g) Right to form and to join a trade union

8. "Rights imply duties"-Explain.

Rights without duties are like men without shadows. Rights and duties are like the two sides of a coin. They go together in any democratic society. Every right granted to an individual corresponds to a responsibility or obligation, either for the rights-holder or for others. Rights are what one wants others to do for him/her, whereas duties are those acts that one should perform for others.

When an individual is granted a right, they have the duty to exercise it responsibly and not misuse it. For example, if someone has the right to freedom of speech, they should use it in a way that does not harm others or incite violence. Correspondingly, if one person has a right, others have the duty to respect and not interfere with it. For instance, if an individual has the right to own property, others must refrain from trespassing or damaging that property. Thus, a right comes with an obligation to show respect for the rights of others.

Rights and duties are complementary to each other. It is impossible for human beings to enjoy rights without being obliged to obey certain duties. Rights and duties are interconnected. Without duties, rights would be meaningless, as their exercise would not be respected or guaranteed. This ensures that individual freedoms do not come at the expense of others' well-being, promoting social harmony. In general, a duty is an obligation, while a right is a privilege.

To quote **Laski,** "We have rights not that we may receive, but that we may do." We have a duty or obligation to make use of the rights guaranteed to us in the best possible manner, so that we

may realize ourselves and develop our personalities. For instance, if I have the right to education, it will be my duty to use the advantages and opportunities education confers to enrich society.

The right of an individual implies the duty to exercise the right for the promotion of social welfare. The use of every right is accompanied by a corresponding duty to harmonize individual welfare with that of society. Society confers rights to the individuals so that they can engage themselves in the welfare of all in society through the fullest development of their selves or personalities.

The grant of rights implies duties in three ways –

1. A duty on the State to protect them
2. A duty on others to respect them
3. A duty on the individual himself to exercise it responsibly and not misuse it.

Article 51A of India's constitution imposes certain obligations on every citizen-

“It shall be the duty of every citizen of India:

a. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
b. to cherish and follow the noble ideas which inspired our national struggle for freedom;
c. to uphold and protect the sovereignty, unity and integrity of India;
d. to defend the country and render national service when called upon to do so;
e. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
f. to value and preserve the rich heritage of our composite culture;
g. to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures;
h. to develop scientific temper, humanism and the spirit of inquiry and reform;
i. to safeguard public property and to abjure violence;
j. to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.”

These duties could only be performed when the rights granted to the citizens are exercised in their complete and responsible manner. This means that individuals should use their rights without infringing upon the rights of others or disrupting the broader social order.

As ***L.T. Hobhouse*** rightly states, "Rights and duties, then, are conditions of social welfare or for a life of harmony to which every member of a community stands in double relations. He has his share in it. That is the sum of his rights. He has to contribute his share. That is the sum of his duties. Rights are what we expect from others and others from us, and all genuine rights are the conditions of social welfare."

Thus, it can be said that rights and duties cannot exist without one another.

9. Write short notes on:

a. Political Right

Political rights are the rights that enable citizens to participate actively in the governance and political processes of their country. These rights empower individuals to have a say in how they are governed and to influence political decisions that affect their lives. They ensure that citizens can contribute to the democratic functioning of the state and help shape public policy. Some of the political rights enjoyed by the citizens are –

1. **Right to vote:**
   The right to vote is a product of democracy. This right to choose representatives through elections is given to all adults without any discrimination.
2. **Right to contest in election:**
   In a democracy, every citizen has not only the right to choose his rulers but also to be a ruler himself. So, every citizen is free to stand in elections and get himself elected to the legislative bodies of the country.
3. **Right to hold public office:**
   This right provides equality of opportunities for all to hold public offices or opportunity in matters of employment irrespective of sex, caste, descent, place of birth, etc.
4. **Right to petition or appeal:**
   It provides the people an opportunity to inform those in authority where exactly the problems lie and to formally request changes, express grievances, or seek redress from the government.
5. **Right to criticize:**

This right enables people to draw the attention of the government to the defects in its politics and administration.

6. **Right to disobey the State:**
   Citizens have the right to oppose or disobey the state if it enforces unjust laws or policies, particularly in the context of civil disobedience.
7. **Right to discuss public policy:**
   Individuals have the freedom to engage in open discussions and debates on government policies and political matters without fear of censorship.
8. **Right to form political parties or join them:**
   Citizens can establish new political parties or become members of existing ones to promote their political beliefs and represent diverse viewpoints in governance.

Political rights contribute by making the government accountable to the people, by giving greater importance to the concerns of the individual over that of the rulers, and by ensuring that all persons have an opportunity to influence the decisions of the government.

b. Civil Rights

Civil rights are the rights that guarantee individuals' personal liberties and, ensure equal social opportunities and equal protection under the law regardless of race, religion, or other personal characteristics. They are essential to a free, equal, and democratic society. Civil rights are those rights without which an individual cannot lead a civilized and social life. These rights are regarded as principal and primary. Some of the civil rights enjoyed by the individuals are –

1. **Right to life:**
   The right to life is a basic civil right given to every citizen. Without the life and security of a person, other rights are of no use.
2. **Right to personal liberty:**
   The right to life also involves the right to personal liberty, or personal freedom under Article 21 of the Indian Constitution. It guarantees individuals the freedom to make choices and act according to their will, as long as they do not infringe on the rights of others.
3. **Right to equality:**
   The right to equality ensures that all individuals are treated equally before the law, without discrimination based on race, gender, caste, religion, or social status.
4. **Right to freedom of religion:**

This right allows individuals to profess, propagate, and practice any religion one likes, and it also protects against forced conversion or religious discrimination. One can worship any God he likes without the State interference.

5. **Right to family life:**

   The right to family implies the right to marriage, the right to custody and control of children and the right of inherence. It upholds the sanctity of personal relationships, ensuring individuals can marry, raise children, and maintain family connections without state interference.

6. **Right to association:**

   This right enables people to form associations or parties and to hold public meetings without becoming a menace to peace and order.

7. **Right to freedom of movement:**

   The citizens of a State have the right to move freely throughout the State, and to reside in any part of the territory under Article 19(1)(d) of the Indian Constitution.

8. **Right to freedom of speech and expression:**

   This right empowers individuals to express their opinions, ideas, and thoughts freely. This right is essential for the development of the individual as it enables them to think freely and express their feelings without fear.

Civil rights are essential for ensuring that everyone is treated fairly and equally. They protect individual freedoms, allowing people to live without fear of discrimination or oppression. These rights create a just environment where everyone has the opportunity to enjoy their freedoms and contribute to their community.